

SENATE.

SATURDAY, February 18, 1905.

Prayer by the Chaplain, REV. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

SILVER COINAGE AND SILVER BULLION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 15th instant, certain information relative to the number of standard silver dollars coined under the act of June 13, 1898, from silver bullion purchased under the act of July 4, 1890, during the fiscal year 1904, etc.; which, on motion of Mr. TELLER, was ordered to lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 17117) granting an increase of pension to George H. Brusstar; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRADLEY, Mr. FULLER, and Mr. MIERS of Indiana managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. LAMB managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCLEARY of Minnesota, Mr. BURKETT, and Mr. PIERCE managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 18468) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HITT, Mr. ADAMS of Pennsylvania, and Mr. DINSMORE managers at the conference on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 14575. An act granting an increase of pension to Laura P. Swentzel;

H. R. 15489. An act granting an increase of pension to Oliver H. Martin;

H. R. 16398. An act granting an increase of pension to Michael Keating;

H. R. 16629. An act granting an increase of pension to Nathan C. D. Bond;

H. R. 16859. An act granting an increase of pension to James Shaw;

H. R. 17331. An act relating to a dam across Rainy River; and

H. R. 17411. An act granting an increase of pension to Abel Grovenor.

The message further announced that the House had passed a concurrent resolution relative to the acceptance of the statue of Frances E. Willard, presented by the State of Illinois to be placed in Statuary Hall, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 1263. An act granting an increase of pension to David Phillips;

H. R. 2114. An act granting an increase of pension to William McCloud;

H. R. 3080. An act granting an increase of pension to David P. Foster;

H. R. 3273. An act granting an increase of pension to William E. Hill;

H. R. 3427. An act granting an increase of pension to Albert Fetterhoff;

H. R. 3710. An act granting an increase of pension to Thomas C. Johnson;

H. R. 4461. An act granting an increase of pension to Frederick Baker;

H. R. 5113. An act granting an increase of pension to Almon W. Gould;

H. R. 5205. An act granting an increase of pension to Francis Wilson;

H. R. 5265. An act granting an increase of pension to Sara A. Haskell;

H. R. 5284. An act granting an increase of pension to John Maupin;

H. R. 5876. An act granting an increase of pension to Elijah S. Carleton;

H. R. 5887. An act granting an increase of pension to William H. Swinney;

H. R. 5995. An act granting an increase of pension to Joseph Fulton;

H. R. 6507. An act granting an increase of pension to James J. Champlin;

H. R. 6702. An act granting an increase of pension to James Slater;

H. R. 6957. An act granting an increase of pension to Alexander C. Bowen;

H. R. 7014. An act granting an increase of pension to James J. Boyd;

H. R. 7097. An act granting an increase of pension to John White;

H. R. 7350. An act granting an increase of pension to John C. Besier;

H. R. 7378. An act granting an increase of pension to Israel Purdy;

H. R. 7609. An act granting an increase of pension to Mary A. Ryon;

H. R. 7760. An act granting an increase of pension to Sarah A. Pierce;

H. R. 7761. An act granting an increase of pension to Quintus Hummel;

H. R. 13640. An act granting an increase of pension to Eugene Hepp;

H. R. 15768. An act granting an increase of pension to R. Howard Wallace;

H. R. 15769. An act granting an increase of pension to Henry Peoples;

H. R. 15775. An act granting an increase of pension to Daniel W. Smith;

H. R. 15776. An act granting an increase of pension to Harrison Ball; and

H. R. 15787. An act granting an increase of pension to Thorndike P. Heath.

STATEHOOD BILL.

Mr. BEVERIDGE. Mr. President, in the matter of the request of the House for a conference on the disagreeing votes of the two Houses upon the statehood bill, I move that the Senate insist upon its amendments and that it agree to the conference asked by the House, the conferees to be appointed by the Chair.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on the statehood bill, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 17, 1905.

Resolved, That the Committee on the Territories be, and hereby is, discharged from the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, with the Senate amendments thereto; that the said Senate amendments

be, and hereby are, disagreed to by the House, and a conference asked of the Senate on the disagreeing votes of the two Houses on the said bill.

Mr. GORMAN. I ask that the matter may go over under the rule for one day.

Mr. BEVERIDGE. Under what rule?

The PRESIDENT pro tempore. Can the Senator cite the Chair to any rule by which, under objection, a message from the House of Representatives lies over?

Mr. GORMAN. Under the general rule of the body, when any matter comes before it it can lie over under objection for one day.

Mr. BEVERIDGE. I know of no such rule. I shall have to insist on my motion.

Mr. GORMAN. The course I propose is under the general parliamentary law.

The PRESIDENT pro tempore. If there is any such rule the Chair would like to have the Senator from Maryland cite it. The Chair is entirely ignorant of such a rule.

Mr. GORMAN. It is under the general parliamentary law. Any matter which is presented to this body requires unanimous consent for its consideration on the day upon which it is presented.

The PRESIDENT pro tempore. That is as to a conference report.

Mr. GORMAN. It applies to everything. I suggest to the Chair that nothing can be found in Jefferson's Manual which abrogates the universal rule of the body.

Mr. BEVERIDGE. In view of the fact that there are rules, definite rules, concerning matters which shall be laid over on objection, and the entire absence of any such rule covering a matter like this, the well-known rule of construction would take it out of the operation of the suggestion of the Senator from Maryland. In view of the late day in the session, it is quite apparent that it is necessary the matter shall have present action.

Mr. GORMAN. I should like also to say to the Senator from Indiana that he will facilitate the consideration of the bill by permitting this question to go over until we can have an opportunity to have the matter presented in the way it ought to be before the motion is voted upon. It is not for the purpose of any dilatory motion, but to facilitate the matter, that I make the suggestion.

Mr. BEVERIDGE. I regret to say that I do not feel that I can take any such liberty with the message from the House.

Mr. BERRY. I suggest that there is a special order for this morning immediately after the morning business, and this matter would not come under the head of morning business. Pursuant to the order of the Senate, we are to have eulogies on the late Senator from Pennsylvania to-day.

The PRESIDENT pro tempore. This is a matter of comity between the two Houses. The rule provides that the Presiding Officer shall lay any communication from the House of Representatives before the Senate at any time, except when the yeas and nays are being called. The Chair has not any doubt, but that the matter is before the Senate, and before the Senate regularly and in the usual way.

Mr. GORMAN. Do I understand the Chair to rule that the matter is before the Senate and it can be considered, when an objection is made, on the day it is received by the body?

The PRESIDENT pro tempore. That is the opinion of the Chair. It is not true of a conference report, but in the judgment of the Chair it is true of a request from the House of Representatives that conferees may be appointed on the part of the Senate to meet them.

Mr. GORMAN. I ask the Chair if he will refer me to any rule which takes a request for a conference out of the general proposition that any bill, any resolution, any matter presented to the body, either by a member or coming from the other House, is to be considered only by unanimous consent on the day upon which it is received?

Mr. LODGE. Mr. President, I have been examining the rule under which matter may go over under one objection, and this is entirely omitted. A message from the House asking for a conference is not obnoxious to that rule.

The PRESIDENT pro tempore. That is the opinion of the Chair.

Mr. GORMAN. Will the Senator from Massachusetts kindly cite me the rule or precedent?

Mr. LODGE. It lies in the fact that it is not among the enumerated cases and the well-known comity between the Houses, as the Chair has stated.

Mr. ALLISON. Will the Senator allow me a moment?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Iowa?

Mr. GORMAN. Certainly.

Mr. ALLISON. I think if an objection could postpone the consideration of such a question on the day it is presented it might have a tendency to prevent final action upon very important measures. I understand the Presiding Officer has laid the message from the House before the Senate, and the Senator from Indiana has moved that the Senate insist upon its amendments and agree to the conference asked for on the part of the House. Of course, if any Senator wants to debate that motion, I think it would be in order to discuss whether we should agree to a conference or whether we ought to insist upon our amendments. It may be that some would want to recede from the amendments. If so, all the amendments, whatever their nature, would be brought up. But I can not conceive that it would be a reasonable rule to allow an objection to be interposed and prevent the consideration of a question coming from the House, which must be a question of high privilege.

Mr. GORMAN. The general rules governing matters between the two Houses, I am aware, do not cover all cases. I am further aware of the fact that at this late day in the session there ought not to be any very extraordinary deliberation in the matter of conference reports. I beg to say to the distinguished Senator from Iowa and the Senate the suggestion I have made, which I think is clearly within the rule and the precedent, is not intended to delay unnecessarily this measure. It is my view that the Senate of the United States on all occasions should treat the coordinate branch of Congress with the greatest possible deference, and any request that it makes should be fairly and promptly considered. I mean, when I say promptly, that it should be considered within due time but without unnecessary haste. And that has been the rule of this body. In this particular matter I think Senators will agree that we ought to have fair deliberation.

I am not one of those who have ever participated in any discussion criticising the House of Representatives. I have thought always, and I believe now, that the recent tendency and the recent conduct in criticising this body is unfortunate and unwise. I would not on this measure attempt to bring about a discussion which looked to a criticism of the House of Representatives. The sooner we all come to the conclusion that it is to the interest of the people of this country that the class of debate which recently occurred should be abandoned forever the better it will be for all.

But the circumstances outside of the record, which we can not help taking note of, make this a case where full opportunity ought to be given for our deliberation and for conference among ourselves, first, for the purpose of producing a proper result, but second, and above all, to maintain the dignity and the rights of the Senate.

I suggest to the Senate and to the Chair, with all due deference, that there can not, in my judgment, be found a single precedent in this body where the question of consideration on the day that a measure has come, whether the subject-matter be a request for a conference or not, has ever been agreed to when an objection was made by a Senator. It could not be done in another body under the rules, and, in the same way, it has not been done in this body.

Mr. SPOONER. Will the Senator from Maryland allow me to ask him a question?

Mr. GORMAN. Certainly.

Mr. SPOONER. If the Senator from Maryland is right, that it is in the power of a Senator to raise the question of consideration in a case like this, any Senator on the last day of the session might absolutely prevent a conference which would bring the two Houses into agreement, and might defeat bills of the utmost consequence, the defeat of which would be in the highest degree detrimental. Is not that true?

Mr. GORMAN. I do not quite catch the Senator's question.

Mr. SPOONER. If the Senator is right that the question of consideration may be raised in a matter like this, it would be in the power of a Senator to defeat on the last day of the session, would it not, the appointment of a conference committee, and thereby prevent the Houses from being brought into conference and agreement, and in that way destroy bills of the utmost consequence to the people? Is that a doctrine that is to be tolerated? The whole philosophy of our rules, and it is right, is to facilitate bringing the two Houses together into the earliest practicable agreement. I am not speaking of the merits of this particular proposition, but to the proposition whether the Senator can be right.

Mr. TELLER. Will the Senator from Maryland allow me a moment?

Mr. GORMAN. Certainly.

Mr. GALLINGER. Mr. President, I rise to a question of order. There is so much confusion that I confess I have heard very little of the debate.

The PRESIDENT pro tempore. Will the Senate please be in order?

Mr. TELLER. It is the normal condition of the Senate that no one can hear.

Mr. President, the dire result the Senator from Wisconsin anticipates might happen has repeatedly happened in the history of Congress.

Mr. SPOONER. Not in that way.

Mr. TELLER. Perhaps not just in that way; but because a Senator might on the last day defeat a bill under these circumstances is no reason why the rule which has been in force should be relaxed. I do not suppose anyone will contend for a moment that it is an act of discourtesy on the part of the Senate toward the House that we should delay a matter we have a right to debate, as the Senator from Iowa, I understood, admitted. We can insist at this moment, if we choose, that we do not want a conference. We can adhere to the action of the Senate, and if we vote to adhere we decline the conference. That is no discourtesy, Mr. President. The House has repeatedly done that, and the Senate has repeatedly done it in the time that the Chair and myself and others have been here.

This is a matter of some considerable importance, but it is not of any more importance than a thousand other bills.

Mr. SPOONER. If the Senator will permit me, I am not denying the right of the Senate by a vote to postpone the further consideration of this matter until some other day.

Mr. TELLER. It is not the right to postpone it that we need rely upon. Before a vote is taken on this question every Senator here has a right to be heard, if he chooses. If the dire result the Senator anticipates might take place it can take place right now, whatever a Senator asserts his right to be heard upon the pending motion, if the Senate insists on going on with it.

If I may interrupt the Senator from Maryland for a moment longer, there are certain rules which govern this body and they are the rules the body ought to adhere to. They are rules which insure careful attention to bills that come before it; and if we have fallen into a different method recently, I am sure no one who has examined the bills which have passed would have any particular anxiety to continue the system of passing bills immediately when they are brought in or doing business immediately when it comes from the House.

If the motion is passed and the bill must now be considered, it can be considered now. The Senate can not agree at this time to the appointment of conferees if any one desires to debate the question. I know certainly that several Senators do want to debate it. We will not be allowed, of course, to criticize the House. Whatever we may think of certain proceedings in that body, whether connected with this transaction or any other, we will not do that.

Mr. President, we have a right, and as far as I am concerned I am going to insist upon it, to have the question presented to this body and discussed whether we shall adhere to our amendments or whether we shall recede or whether a committee of conference shall be appointed. We may do any one of these. We may appoint conferees to meet conferees on the part of the House, or we may declare that we adhere or we may recede. That is a matter for the Senate to determine, and the determination of the Senate is not to be influenced by the suggestion that we are discourteous to the House.

I will not interrupt the Senator from Maryland any longer.

Mr. GORMAN. Mr. President, I desire, in addition to what the Senator from Colorado has just said, to call the attention of the Senate to the rule, and certainly it will appear that one objection will prevent the consideration of this subject-matter at this time. Rule VII of this body provides that—

The Presiding Officer shall then call for, in the following order:

The presentation of petitions and memorials.

Reports of standing and select committees.

The introduction of bills and joint resolutions.

Concurrent and other resolutions.

All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given.

Mr. LODGE. If the Senator will allow me, I think in that connection he ought to read the first paragraph of Rule XXVIII.

Mr. GORMAN. I will read Rule XXVIII, if the Senator desires. If the Senator has it before him he can himself read the part he desires. To what part of Rule XXVIII does the Senator refer?

Mr. LODGE. The first paragraph of Rule XXVIII.

Mr. BEVERIDGE. Let the Senator from Massachusetts read it.

Mr. LODGE. It is on page 26 of the Manual:

Messages from the President of the United States or from the House of Representatives may be received at any stage of proceedings, except while the Senate is dividing or while the Journal is being read or while a question of order or a motion to adjourn is pending.

Mr. GORMAN. "Messages from the President of the United States or from the House of Representatives may be received." What is receiving? The appearance of the official representing the House of Representatives on this floor and the announcement of his presence; whereupon he announces to the Senate that the House has acted upon certain resolutions or bills, and they go to the table in the usual order.

The PRESIDENT pro tempore. Will the Senator from Maryland allow the Chair to read to the Senate a rule which relates to this point?

Mr. GORMAN. With pleasure.

The PRESIDENT pro tempore. It is clause 5 of Rule VII.

The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate, any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

Mr. GORMAN. Now, Mr. President, Rule VII modifies the general rule and provides that the matter can be laid before the Senate on motion and it shall be determined without debate. Then there is, I suggest to the Chair, the general parliamentary rule, which prevails in every parliamentary body, that no new matter whatever can be considered on the day of its presentation except by unanimous consent. The moment this message was laid before the Senate, in my judgment, under the rule, it would remain on the table unless unanimous consent was had for its consideration. Objection being made, then the first rule applies, that we shall proceed with the routine business of the morning hour.

Now, Mr. President, outside of the question of the mere technicality of this matter, I suggest again, in all fairness to the Senator who has charge of the bill, the chairman of the Committee on Territories, that he permit it to go over, so that we may take it up when we shall have an opportunity to discuss the question whether the Senate will accede to the request of the House of Representatives. I trust, as in all cases, the same rule of fairness which governs shall prevail, and that the request that we may have proper consideration of the measure will be, by common consent, agreed to.

Mr. LODGE. Mr. President, there can be no question that the reception of a message under Rule XXVIII is in order at any time. There can be no question, under the clause read by the Chair, that that matter can be laid before the Senate at any time.

Mr. GORMAN. Yes.

Mr. LODGE. The question raised by the Senator from Maryland is that one objection can carry it over. Nobody disputes for a moment that the Senate may debate the proposition to insist or recede, or to agree to the conference or to disagree to it. The point that is made here is that one objection can carry it over. That, it seems to me, is impossible under clause 5 of Rule VII and under clause 1 of Rule XXVIII. It does not interfere with debate on the question at all, but it does prevent the matter from being disposed of by a single objection.

Mr. FORAKER. Mr. President, it seems to me quite as clear that just the contrary is true. There is no doubt that when a message is received, and it may be received at any time, the Chair may lay it before the Senate. The question is whether, when it has been laid before the Senate, we shall immediately act upon it. The procedure to bring about the action of the Senate is that when a message of this kind is laid before the Senate some Senator will make a motion, as the Senator from Indiana has done, that the Senate adhere to its amendments and grant the request of the House for a conference, the conferees to be appointed by the Chair. That is debatable, of course, and we are debating it, but we are first debating whether or not upon a single objection that may go over.

In what way can the Senate act upon that motion except only by adopting a resolution? Its action must be in the form of a resolution, within the meaning of the rules. Therefore, it seems to me that the action which this motion calls for is clearly within paragraph 5 of Rule XIV, cited just now by the Senator from Massachusetts, which reads:

All resolutions shall lie over one day for consideration unless, by unanimous consent, the Senate shall otherwise direct.

If it be true that we can act upon this matter only on motion, and if it be true that the action which follows the carrying of a motion is in the nature of a resolution, as I contend it is, then that rule is directly applicable. There is not any rule here that speaks of the high privilege which has been talked about of considering a message that comes from the House instantly upon its presentation. It seems to me that it would be very unfortunate if we should be compelled under the

rule to act in a case of this kind without any time to investigate and without any time to consider.

This may possibly involve an important question. I do not know whether it does or not. I want to look at the record; I want to be informed about it. The amendment that is at stake is a matter that has been well considered in the Senate, elaborately debated, and it seems to me that it is not unreasonable to ask that the request for a conference shall go over to-day, and that, if there were no rule to require it, a request of that kind should be granted.

On Monday morning we may come in here without any disposition on the part of anyone to oppose the request of the House for a conference. As it is now presented, I am opposed to granting it, but I might not be after looking into the matter, as I would have opportunity to do if it should go over, as I claim it should, upon the objection of a single Senator.

The PRESIDENT pro tempore. The Chair has overruled that point of order.

Mr. TELLER. Mr. President—

The PRESIDENT pro tempore. Unless there is an appeal from the decision of the Chair, the question before the Senate is the motion made that the Senate insist on its amendments and accede to the request of the House for a conference. That is the pending motion, and it is debatable. The motion to lay it before the Senate is not debatable, but the present motion is debatable.

Mr. TELLER. That is what I understood.

Mr. PATTERSON. And it is to the consideration of that motion to-day that the objection of the Senator from Maryland is made.

The PRESIDENT pro tempore. On which the point of order was made, and which the Chair overruled.

Mr. TELLER. Mr. President, I do not understand that the objection was made to receiving the request for a conference. It is true that the rule the Chair quoted, the last paragraph of Rule VII, does probably include a request for a conference, and that must be laid before the Senate. Then it is exactly like a bill; it can then be considered, just as a bill can be considered.

I do not care about discussing the question the Chair has decided. The Chair has decided that the message will not go over under an objection. Then it is here for disposition by the Senate. What is the first question? The request is for the appointment of conferees. We can debate, if we choose, the question, "Should there be a conference?" In addition to that I think we might debate, if there is to be a conference, who should compose the membership on the part of the Senate of the conference committee, whether the friends of the measure objected to by the House should have a majority of the conferees or whether those who are representing the minority here should be in the majority. That is a question proper for discussion here. We can discuss any phase of it, if we choose.

But, Mr. President, we have a regular way of proceeding. We do not care to appoint the conferees, at least until we know whether the Senate will recede from its amendments. That seems to be the logical course to pursue. If we decline to recede, we adhere. That is the result of a declination of that kind.

When you come to the question whether we will adhere or recede, you open up the entire question for discussion in the Senate. It is not a simple question any longer whether we will agree to a conference, but the whole question is presented.

I do not know what is perhaps the logical course. I myself have never taken very much interest in these parliamentary matters, and my interest now is due partly to the fact that it is an important question, but more owing to the fact that the Senate should have some systematic rule. The Senate should abide by some system, a system which, I think, has been in force since I have been in this body, but which the Chair thinks is not in force.

The fact that on the last day of the session any proposition that comes to us can be defeated in this way applies just as much to a bill that comes here on the last day. Will the Senator from Wisconsin, or anyone else, deny the right of a Senator to object to a bill which comes here? Everybody knows that a bill can not be passed the day it comes from the House without the consent of every Senator here, and if the rule is not the same as to a conference report, it certainly ought to be, and it certainly has been, Mr. President, heretofore.

I do not know who should take charge of this bill. Should the chairman of the Committee on Territories take charge of it? He is hostile to the amendment; he is hostile to the action of the majority of the Senate. Shall he direct whether we shall discuss the question to adhere? Shall it be a motion that he shall make to recede?

Mr. President, I think the rule has been in parliamentary bodies, not only in this country, but in others, particularly in Great Britain, that when a measure of this kind comes, as this comes, from another body, a coordinate branch of the legislature, the friends of the measure as it passed the body (and it is true in the other House, as well as in this) take charge of it from that time on. When we shall have reached the point, if we should reach it, that there is to be a conference, they are entitled then to a majority in that conference. I do not say that the rule here would be that the chairman of the committee to which the subject properly belongs would not be entitled to be a member of the conference, but I do say that has not been the rule in the Senate as a general thing. I will admit there have been exceptions, because in the case of many of the bills which come here no one has very much interest in the amendments and no one cares very much about it.

Sometimes there is a variety of amendments so great in number that it would be difficult to say who should be the champion of those amendments. In such cases undoubtedly we have repeatedly appointed as members of the conference committee those who were opposed to the amendments as well as those in favor of them.

I am at a loss, Mr. President, to know, under the ruling of the Chair, exactly what to discuss. I am at a loss to know who has this bill in hand. I am at a loss to know whom to follow, who is the leader; and I do not know exactly what motion ought to be made. I think it would be in order for me to make a motion that the Senate adhere to its amendments. I will take the ruling of the Chair on that point. I do not know which motion should have precedence.

Mr. FORAKER. I suggest to the Senator from Colorado that that is involved in the motion made by the Senator from Indiana. The motion he makes is that the Senate adhere to its amendments and accede to the request for a conference.

Mr. BEVERIDGE. That the Senate insist upon the amendments.

Mr. ALLISON. That brings the two Houses together.

Mr. FORAKER. I mean "insist." I employed the word "adhere" because the Senator from Colorado had just employed it. I was employing his language rather than my own.

If the Senator from Colorado will allow me, I do not object to this matter ultimately going into conference. I think we should exhaust every parliamentary method to reach a solution that the two Houses can agree upon. But at some stage of these proceedings I want to have an opportunity to discuss the questions involved, and that is why I should like to have the matter go over until Monday morning, that I may look at the record, which is rather a peculiar one, as I am told. I do not know that it is, but I have been told that it is. I should like to look at it; I should like to know about it before we act upon it. It seems to me that is only a reasonable request to make. If it should go over until Monday, I do not think there would be any trouble about it.

Mr. TELLER. Does the Senator ask unanimous consent for that?

Mr. FORAKER. Yes, I do; and if there should be trouble we would know what the trouble was.

Mr. TELLER. I yield to the Senator from Ohio for that purpose, if he desires.

Mr. BEVERIDGE. Mr. President—

The PRESIDENT pro tempore. The Senator from Colorado [Mr. TELLER] has asked the Chair a parliamentary question as to whether he had the right to make a motion to adhere. The Chair understood the Senator from Colorado to ask whether he had the right to make a motion to adhere.

Mr. TELLER. Mr. President, what I wanted to know was whether a motion to adhere should come first or a motion to recede. What is the parliamentary usage as to that?

The PRESIDENT pro tempore. The motion to recede would come first, because it brings the two Houses together. The motion to insist would come next. "Adhere" has a technical meaning. If a motion should be made and agreed to to adhere, it would simply keep the two Houses forever apart.

Mr. TELLER. I understand that the motion to insist has been made.

Mr. BEVERIDGE. That motion has been made.

Mr. FORAKER. Mr. President—

Mr. TELLER. I yield to the Senator from Ohio [Mr. FORAKER], who, I understand, desires to submit a request.

Mr. FORAKER. Mr. President, I ask unanimous consent, if there is any question about the right of a Senator to make an objection, that this matter may go over until Monday next. I hope the Senator from Indiana will not object to that, because I think I know it will facilitate the consideration of this measure.

and will relieve the whole proposition from objection, which will be insisted on unless there is a disposition to give Senators an opportunity to look into the matter.

Mr. BEVERIDGE. I hope the Senator from Ohio [Mr. FORAKER] will not press his request. The Senator from Maryland [Mr. GORMAN] made the same request, and I was constrained to say that I did not feel like taking such a liberty with the request of the other House for a conference, to which request the motion was directed.

Mr. GORMAN. Mr. President, I will say to the Senator from Indiana that I will relieve him of any embarrassment on that score, and shall be very glad to have him yield to the request of the Senator from Ohio.

Mr. COCKRELL. I hope the Senator from Indiana will yield to that request. It is a reasonable one; a very reasonable one.

Mr. BEVERIDGE. I regret very much, Mr. President, that the same answer which I made to the Senator from Maryland would, for the same reason, have to be made to any request of the kind on the part of any other Senator.

Mr. FORAKER. There will not be any action on it, then, until Monday.

Mr. BEVERIDGE. For the mere reason—

Mr. FORAKER. For the reason that if we are compelled to do so we will consider it now, and we will keep on considering it until we get done considering it.

Mr. TELLER. That is what we will do.

Mr. FORAKER. If there shall be no consideration shown and no reasonable request granted, then I propose to ask no favors and will grant none.

Mr. BEVERIDGE. The Senator from Ohio thinks it proper to indicate that line of policy to the Senate before I could complete my statement that the object of this motion was merely to get the two Houses together, if possible, in view of the short time remaining of the session. That was the sole reason in insisting to-day upon the consideration of the request of the House for a conference. If, however, the Senator thinks that it will facilitate getting the two Houses together to let the question go over until Monday, I am willing for that. My only point in objecting to the same request made by the Senator from Maryland was, as stated at the time, that only a short time remained of the session. If it be the policy of the Senate to get together with the House, or attempt to do so, and if it be thought that it might be furthered by a day being fixed, and if the Senator from Ohio thinks it will further the matter, I will agree to his request.

Mr. FORAKER. Mr. President, I am glad, indeed, that the Senator from Indiana has reached that conclusion. That was the sole purpose I had in making the request, not so much that we might get the Houses together, for I do not know anything about that, but that we might first get the Senate together, have some intelligent action, and know what our trouble is, if we have any trouble, after we have a discussion.

Mr. NELSON. Mr. President, I am glad that the chairman of the Committee on Territories has agreed to this request, but I submit that it is not fair for the Senator from Ohio to make a threat, under the guise of a request, that unless we agree to do so and so they will do so and so. That, it seems to me, does not come with very good grace.

Mr. FORAKER. Mr. President, I have served a good while in this body. I know when a request is a reasonable one, and whether it should be granted or whether it should not. I am the judge as to whether or not I shall take a particular course. I do not resort to delays. I remember two years ago we had a measure here that for three months was delayed by debate, and a great many threats were then made. I have asked for only what is right and fair. The matter will go over, as I understand, by unanimous consent until Monday. By that time we shall know whether we can get together or not.

The PRESIDENT pro tempore. Will the Senator state his request for unanimous consent?

Mr. FORAKER. That the motion of the Senator from Indiana [Mr. BEVERIDGE] to insist on the Senate amendments and agree to the conference asked for by the House shall go over until Monday.

The PRESIDENT pro tempore. At what time on Monday?

Mr. FORAKER. In the morning, I suppose, after the morning business.

Mr. BEVERIDGE. Immediately after.

The PRESIDENT pro tempore. Immediately after the morning business on Monday?

Mr. BEVERIDGE. Immediately after the morning business that it be taken up and disposed of.

Mr. FORAKER. That it be proceeded with.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none.

Mr. BLACKBURN. Will the Chair repeat the order made by unanimous consent?

The PRESIDENT pro tempore. That the motion made by the Senator from Indiana [Mr. BEVERIDGE] will go over until Monday next and will be taken up for consideration immediately after the completion of the routine morning business.

Mr. BLACKBURN. That is it.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented a petition of the Iowa Park and Forestry Association, praying for the enactment of legislation providing for the appointment of a commission at the instance of the American Institute of Architects relative to governmental structures and grounds and other public works at the city of Washington, D. C.; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Howard Post, No. 92, Department of Iowa, Grand Army of the Republic, of Dewitt, Iowa, and a petition of Ed. Hamlin Post, No. 112, Department of Iowa, Grand Army of the Republic, of Wellman, Iowa, praying for the enactment of legislation to modify and simplify the pension laws of the United States; which were referred to the Committee on Pensions.

He also presented petitions of the Retail Druggists' Association of Keokuk, of the Retail Druggists' Association of Washington County, of Andrew Arent, jr., and 21 other citizens of Humboldt County, and of the Retail Druggists' Association of Winnebago County, all in the State of Iowa, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented a petition of the Iowa Park and Forestry Association, praying for the enactment of legislation to conserve the forests and protect the industries of the country; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of Robert S. McLain and 151 other citizens of Bonaparte, of Mrs. Nettie Hall and 63 other citizens of Sandyville, of A. A. Bopp and 15 other citizens of Fremont County, and of E. J. Myers and 5 other citizens of Brighton, all in the State of Iowa, remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Federation of Labor of Cedar Rapids, Iowa, remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented petitions of Miss F. E. Hamilton and 10 other citizens of Independence, of Mrs. J. C. Bitterman and 9 other citizens of Nora Springs, and of Mrs. Ida V. Cummins and 33 other citizens of Laporte City, all in the State of Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented the memorial of E. K. Failor and 32 other citizens of Des Moines, Iowa, remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented the petition of W. S. Browning and 17 other citizens of Winfield, Iowa, praying for the enactment of legislation providing for a rate of 5 cents on packages weighing 1 pound or less, and 3 cents for each additional pound; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of E. K. Failor and 32 other citizens of Des Moines, Iowa, remonstrating against the ratification of the Isle of Pines treaty; which was referred to the Committee on Foreign Relations.

He also presented petitions of John Rath and sundry other citizens of Ackley; of the Corn Belt Meat Producers' Associations of Webster County, Humboldt County, Franklin County, Harrison County, Poweshiek County, Carroll County, Montgomery County, Hamilton County, and Story County; of F. M. Clark and 23 other citizens of Lime Springs; of the Farmers' Institute of Page County; of the Farmers' Institute of Scott County; of the Farmers' Institute of Delaware County; of the

Commercial Club of Iowa City, and of the Millers' Club of Des Moines, all in the State of Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented the memorial of C. C. Drowns and 55 other citizens of Johnson, Vt., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which was referred to the Committee on the District of Columbia.

Mr. HANSBROUGH presented a petition of sundry citizens of Velva, N. Dak., praying for the enactment of legislation to enlarge the homestead entry in certain arid sections of that State; which was referred to the Committee on Public Lands.

He also presented a petition of sundry citizens of Bottineau, N. Dak., and a petition of sundry citizens of McLean and McHenry counties, N. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. NELSON presented a concurrent resolution of the legislature of Minnesota favoring the control by the Government of transportation companies and other moneyed interests; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas an effort is now being made in the United States to prevent the rights of the people from being subordinated to those of the great transportation companies and other powerful moneyed interests: Therefore, be it

Resolved by the Senate and House of Representatives concurring, That we heartily commend the heroic efforts now being put forth by our President, Theodore Roosevelt, and others to control by law such companies and interests;

Resolved further, That we respectfully request our Senators and Representatives to Congress to assist our President in passing laws to efficiently control by Government the highways of commerce and to keep them open to all citizens on equal terms and to regulate all corporations engaged in interstate business;

Resolved further, That a copy of the foregoing resolutions when adopted be sent by the secretary of the senate to the President and to each of our Senators and Representatives in Congress.

Mr. FAIRBANKS presented a petition of Local Division, No. 103, Order of Railway Conductors, of Indianapolis, Ind., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Indiana Stove Works, of Evansville, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Indiana Grain Dealers' Association, of Indianapolis; of Post R, Travelers' Protective Association, of Muncie, and of sundry citizens of Rockport, all in the State of Indiana, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a concurrent resolution of the legislature of Minnesota, relative to the free importation of Canadian seed wheat into the United States; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Be it resolved by the senate of the State of Minnesota (the house of representatives concurring), That the Senators and Representatives from this State in the Congress be, and they are hereby, respectfully requested to support the measure introduced by Congressman STEENBERSON, now pending before the Congress, providing for the free importation of Canadian wheat to be used for seed by farmers in this State.

Mr. CLAPP presented a concurrent resolution of the legislature of Minnesota, favoring the control by the Government of transportation companies and other moneyed interests; which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Albert Lea, Paynesville, Eden Valley, and Minneapolis, all in the State of Minnesota, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented a petition of sundry citizens of Litchfield, Minn., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Nobles County, Minn., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which was referred to the Committee on the District of Columbia.

Mr. GIBSON presented a joint resolution of the legislature of Montana, relative to the enactment of legislation to enlarge the

powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 1.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas experience and the decisions of the Federal courts have demonstrated that legislation applying to public carriers engaged in interstate commerce is required for the protection and preservation of the rights of the shipper and passenger: Therefore, be it

Resolved, That we, your memorialists, the ninth legislative assembly of the State of Montana, respectfully petition your honorable body, in the exercise of power to regulate commerce between the several States granted by the Constitution of the United States, to speedily enact such legislation as will insure reasonable and equitable rates and charges for the transportation of property and passengers between the States and prevent unreasonable and unjust discrimination in the conduct of the business of interstate commerce, and, to that end, that the Interstate Commerce Commission be given the power and authority not only to determine when rates are unreasonable, but also to determine and establish reasonable rates in lieu of such rates as may be by said Commission adjudged unreasonable; be it further

Resolved, That the secretary of the State be, and he is hereby, directed to transmit copies of this memorial to the President of the United States, the President of the Senate, the Speaker of the House, and our Senators and Representatives in Congress.

EDWIN NORRIS,
President of the Senate.
WYLLIS A. HEDGES,
Speaker of the House.

Approved January 30, 1905.

Filed January 30, 1905—3.20 p. m.

J. K. TOOLE, Governor.

A. N. YODER, Secretary of State.

Mr. TELLER presented a memorial of the legislature of Colorado, remonstrating against the enactment of legislation providing for the admission of the Territories of Arizona and New Mexico into the Union as one State; which was read, and ordered to lie on the table, as follows:

Senate concurrent resolution No. 8.

[By Senators Taylor, Barela, and Parks, concerning the admission of the Territories of Arizona and New Mexico.]

Resolved by the senate (the house of representatives concurring therein), That it is the sense of the fifteenth general assembly of the State of Colorado:

(a) That each of the Territories of Arizona and New Mexico is, considering its population, development, resources, and in every other way, justly entitled to be admitted to this Union as a separate State; and
(b) That the passage of the bill now pending before the United States Senate providing for the admission of both of said Territories as one State would be an unwarranted hardship upon and an unjust discrimination against the people of those Territories; be it further

Resolved, That we earnestly request our Senators and Representatives to use their utmost endeavors to prevent the passage of said bill; and also to secure, if possible, the passage of a bill admitting each of said Territories as a sovereign State of this Union; and be it further

Resolved, That a copy of this concurrent resolution be properly certified by the president and secretary of the senate and speaker and chief clerk of the house and forthwith transmitted to each of our Senators and Representatives in the Congress of the United States.

WILLIAM H. DICKSON,
Speaker of the House of Representatives.
JESSE F. McDONALD,
President of the Senate.

Approved February 14, 1905.

ALVA ADAMS,
Governor of the State of Colorado.

Mr. PERKINS presented memorials of the Sperry Flour Company, of Sacramento; the T. W. Hobson Company, of San Jose; of James H. Jones, of Chico; of R. W. Hersey, of San Jose; the Ventura Abstract Company, of Ventura; the San Francisco Breweries (Limited); of White, Cooley & Cutts, of Marysville; of W. J. Dingee, of San Francisco, all in the State of California, remonstrating against the enactment of legislation giving to the Interstate Commerce Commission the arbitrary powers to fix rates of freight on railroads; which were referred to the Committee on Interstate Commerce.

Mr. DOLLIVER presented a petition of sundry citizens of Clinton, Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Massachusetts State Board of Trade, praying for the ratification of a treaty providing for the establishment of neutral zones from the ports of North America and the ports of Great Britain and the continent of Europe, etc.; which was referred to the Committee on Foreign Relations.

He also presented the petition of J. H. Savage and 19 other citizens of Maine, praying for the enactment of legislation providing for parcels post and postal currency; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of J. H. Savage and sundry other citizens of Maine, remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

GOVERNMENT CONTROL OF RAILROAD EARNINGS.

Mr. KEAN. Mr. President, I have here a very interesting pamphlet on the subject of Government control of railroad earnings, which I ask to have printed as a document.

The PRESIDENT pro tempore. The Senator from New Jersey asks that the paper he has sent to the desk be printed as a document. Is there objection?

Mr. BAILEY. Mr. President, let us hear what the document is, so that we may know whether or not we shall want to object to the order before it is made.

The PRESIDENT pro tempore. The indorsement on the pamphlet will be stated.

The SECRETARY. The pamphlet is entitled "Government Control of Railroad Earnings." It is dated Minneapolis, January 12, 1905, and addressed to Mr. George W. Seeyers, general solicitor, Oscaloosa, Iowa.

Mr. KEAN. It is a very short document.

Mr. BAILEY. Mr. President, I doubt the wisdom of Congress printing the arguments of railroad attorneys or other interested private individuals against a proper effort to regulate railroad charges.

Mr. KEAN. I agree with the Senator from Texas that the Senate does spend a good deal of money in printing, but I know the Senator himself will be glad to read this argument.

Mr. TELLER. It seems to me, Mr. President, that at least the question of printing this document should go to the Committee on Printing. We ought not to print it without some acquaintance with what it contains, for it will set a precedent in this line, and if we print this we shall be called upon to print the other side.

Mr. KEAN. The Senator from Colorado himself has offered and had printed hundreds of documents in the same way.

Mr. TELLER. Oh, Mr. President, the Senator from New Jersey is mistaken. I have occasionally asked for the printing of papers when I thought it was important that they should be published. I am not going to object to the printing of this at the proper time, but I only wish to say that the question of the printing of this document should go to the Committee on Printing to determine what course should be taken regarding it.

The President of the United States has recommended certain legislation—

Mr. BAILEY. And the Senator from Colorado will permit me to say that, in accordance with the platform of the Democratic party, the President of the United States has recommended certain legislation to regulate railroad charges.

Mr. TELLER. Well, Mr. President, that shows the progress the President of the United States is making.

Mr. KEAN. I have no objection to—

Mr. TELLER. I only wish to say that the question referred to in the pamphlet is one which is considerably alive just now. Only a few days ago I presented a resolution which had been passed by the legislature of Colorado on this subject. That, of course, entitled it to be printed and to go into the RECORD, and I suppose there will be a great many similar communications.

Mr. KEAN. Mr. President, I have no especial desire about having this pamphlet printed as a document—

Mr. TELLER. Let the question of printing go to the Committee on Printing.

Mr. KEAN. And I withdraw my request.

The PRESIDENT pro tempore. The request of the Senator from New Jersey is withdrawn.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10837) granting an increase of pension to Elizabeth A. Copper;

A bill (H. R. 10487) granting an increase of pension to Almira Carico;

A bill (H. R. 9458) granting an increase of pension to Martha A. Harper;

A bill (H. R. 5662) granting a pension to Julia Nolan;

A bill (H. R. 786) granting an increase of pension to Joseph V. Howell;

A bill (H. R. 6910) granting an increase of pension to Mary E. Campbell;

A bill (H. R. 4721) granting an increase of pension to Thomas Hutchinson;

A bill (H. R. 1266) granting an increase of pension to Marshall Cox;

A bill (H. R. 18310) granting an increase of pension to Sinnett A. Duling;

A bill (H. R. 18615) granting an increase of pension to Jeremiah Carbaugh;

A bill (H. R. 18432) granting a pension to Myrtle Cole;

A bill (H. R. 17682) granting an increase of pension to William Ross Hartshorne;

A bill (H. R. 16345) granting an increase of pension to George Whitfield;

A bill (H. R. 15884) granting a pension to Julia R. Jones;

A bill (H. R. 5000) granting an increase of pension to Jackson D. Siner;

A bill (H. R. 3914) granting a pension to James M. Redick;

A bill (H. R. 15084) granting an increase of pension to Joseph W. Miller;

A bill (H. R. 3908) granting an increase of pension to Jacob Trautman;

A bill (H. R. 12093) granting an increase of pension to Sarah A. McMurtrie;

A bill (H. R. 15766) granting a pension to Henry J. Richardson;

A bill (H. R. 5637) granting an increase of pension to Lou Gates; and

A bill (H. R. 5641) granting an increase of pension to Morris B. Slawson.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. 9772) granting an increase of pension to Z. T. Miller, reported it with an amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5297) granting an increase of pension to Hampton L. Maxfield;

A bill (H. R. 746) granting an increase of pension to William H. Gilman;

A bill (H. R. 7218) granting an increase of pension to Alfred F. Clarke;

A bill (H. R. 14410) granting an increase of pension to Moses F. Colby;

A bill (H. R. 4984) granting an increase of pension to Charles F. Bowman;

A bill (H. R. 3061) granting an increase of pension to John H. Hardy, third; and

A bill (H. R. 17661) granting an increase of pension to Darius H. Whitcomb;

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10244) granting an increase of pension to George W. Nance;

A bill (H. R. 11316) granting an increase of pension to Daniel J. Nunnemaker;

A bill (H. R. 11105) granting an increase of pension to Peter Fournier;

A bill (H. R. 7443) granting an increase of pension to William Henry Lewis;

A bill (H. R. 5623) granting an increase of pension to Annie Creagh;

A bill (H. R. 7429) granting an increase of pension to John Q. Converse;

A bill (H. R. 7423) granting an increase of pension to Thomas D. Fitch;

A bill (H. R. 7716) granting an increase of pension to John W. McIntyre;

A bill (H. R. 14594) granting an increase of pension to Mary E. Williams;

A bill (H. R. 14456) granting an increase of pension to Henry Leichty; and

A bill (H. R. 12753) granting an increase of pension to James M. Martin.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 495) for the erection of a statue of Gen. Otho Holland Williams at Williamsport, Md., reported it without amendment, and submitted a report thereon.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15233) granting a pension to Martha M. Hawkins;

A bill (H. R. 13305) granting an increase of pension to Amos L. Griffith; and

A bill (H. R. 5015) granting a pension to William A. Russell.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10039) granting an increase of pension to Margaret C. Hecker;

A bill (H. R. 13905) granting an increase of pension to Moses Jones;

A bill (H. R. 9367) granting a pension to James T. Collier;
A bill (H. R. 6381) granting a pension to Chester Heiner, alias Justus Hahner;

A bill (H. R. 928) granting an increase of pension to Mark S. Clay;

A bill (H. R. 6846) granting a pension to Sibba Miller; and
A bill (H. R. 14271) granting an increase of pension to John C. Tinker.

Mr. KITTREDGE, from the Committee on Inter-oceanic Canals, to whom was referred the bill (H. R. 16986) to provide for the government of the Canal Zone, the construction of the Panama Canal, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 17865) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the amendment submitted by Mr. PERKINS on the 15th instant, relative to the erection of a permanent rostrum at the Presidio, San Francisco, Cal., reported it with an amendment, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

TWENTIETH NEW YORK VOLUNTEER INFANTRY.

Mr. ALGER. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 1860) for the relief of certain enlisted men of the Twentieth Regiment of New York Volunteer Infantry, to report it favorably, without amendment, and to submit a report thereon. I ask for the immediate consideration of the bill.

The PRESIDENT pro tempore. The Senator from Michigan asks for the present consideration of the bill just reported by him. Is there objection?

Mr. SCOTT. I ask that that bill may go over, Mr. President. The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

JOHN WELCH.

Mr. McCUMBER. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 7194) granting an increase of pension to John Welch, to report it with an amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 8, after the word "thirty," to insert "six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Welch, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. SUTER.

Mr. McCUMBER. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 7210) granting an increase of pension to C. M. Suter, to report it with an amendment. I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with an amendment, in line 6, to strike out the initial "C." and insert "Charles;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Suter, late of Company I, Seventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles M. Suter."

BILLS AND JOINT RESOLUTION INTRODUCED.

Mr. CULLOM introduced a bill (S. 7211) authorizing the construction of a dam across Rock River at Lyndon, Ill.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DILLINGHAM (for Mr. PROCTOR) introduced a bill (S. 7212) to prohibit interstate transportation of insect pests and the use of the United States mails for that purpose; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. BLACKBURN (by request) introduced a bill (S. 7213) for the payment of certain claims of volunteers of the civil war; which was read twice by its title, and referred to the Committee on Claims.

Mr. KITTREDGE (for Mr. GAMBLE) introduced a bill (S. 7214) to authorize the development of water powers in the district of Alaska, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DILLINGHAM (for Mr. PROCTOR) introduced a joint resolution (S. R. 111) providing for the printing of the Report on the Progress of the Beet-Sugar Industry in the United States in 1904; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FOSTER of Washington submitted an amendment proposing to appropriate \$100,000 to continue the improvement of Mount Rainer National Park, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment proposing to appropriate \$7,626.08 to pay Gordon, Ironsides & Fares Company (Limited), of Montreal, Canada, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$250,000 for the erection of buildings for immigrant station at San Francisco, Cal., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO PUBLIC BUILDINGS BILL.

Mr. FOSTER of Washington submitted two amendments intended to be proposed by him to the bill (H. R. 18973) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ASSISTANT CLERK TO COMMITTEE ON CUBAN RELATIONS.

Mr. BURNHAM submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the salary of the assistant clerk of the Committee on Cuban Relations, authorized by resolution of January 28, 1903, at \$1,200 per annum, be, and it is hereby, increased to \$1,440 per annum, to take effect March 1, 1905.

AMERICAN NATIONAL INSTITUTE AT PARIS.

On motion of Mr. FRYE, it was

Ordered, That the reprint of Senate Document No. 398, Fifty-sixth Congress, first session, concerning the proposed American National Institute at Paris, shall include all new matter, so as to bring it up to date.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PROCTOR. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PROCTOR, Mr. HANSBROUGH, and Mr. LATIMER were appointed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes, and asking for a conference on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. ALLISON, Mr. GALLINGER, and Mr. COCKRELL were appointed.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 18468) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. CULLOM, and Mr. TELLER were appointed.

GEORGE H. BRUSSTAR.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 17117) granting an increase of pension to George H. Brusstar, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendment disagreed to by the House of Representatives, and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint conferees on the part of the Senate; and Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO were appointed.

MARTIN T. CROSS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6351) granting an increase of pension to Martin T. Cross, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

P. J. McCUMBER,
N. B. SCOTT,
JAMES P. TALIAFERRO,

Managers on the part of the Senate.

W. A. CALDERHEAD,
CHARLES E. FULLER,
ROBERT W. MIERS,

Managers on the part of the House.

The report was agreed to.

PROPOSED SOLDIERS' HOME IN FLORIDA.

Mr. TELLER obtained the floor.

Mr. TALIAFERRO. Mr. President—

Mr. TELLER. I yield to the Senator from Florida.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (S. 6133) to authorize the location of a branch home for disabled volunteer soldiers, sailors, and marines in the State of Florida.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of a bill, which will be read for information.

The Secretary proceeded to read the bill.

Mr. ALLISON. Allow the bill to go over.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill will go over, retaining its place.

DAVID H. MOFFAT.

Mr. TELLER. I ask unanimous consent for the present consideration of the bill (S. 706) for the relief of David H. Moffat.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent for the present consideration of a bill, which will be read, subject to objection.

The Secretary read the bill.

Mr. SCOTT. Has the bill been before the Military Affairs Committee?

Mr. WARREN. Yes; and reported favorably.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, in

line 11, after the word "pay," to insert the words "bounty, pension;" and in line 12, after the word "shall," to insert "accrue or;" so as to make the bill read:

Be it enacted, etc., That David H. Moffat shall be held and considered to have been mustered into the service of the United States as a captain of the Third Regiment of Colorado Cavalry Volunteers on the 20th day of August, 1864, and that the Secretary of War be, and he is hereby, authorized and directed to issue to him a certificate of discharge as a captain of said regiment, to date from the 17th day of September, 1864: *Provided,* That no pay, bounty, pension, or other emoluments shall accrue or become due or payable to any person by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL SERVICES ON THE LATE SENATOR QUAY.

Mr. PENROSE. Mr. President, in accordance with the notice which I have heretofore given to the Senate, I ask unanimous consent for the consideration of the resolutions which I submit.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from Pennsylvania offers resolutions which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. MATTHEW S. QUAY, late a Senator from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. PENROSE. Mr. President, in addressing you to-day I bear my last tribute to the memory of one with whom I held associations of peculiar intimacy, social, political, and official, for a period of about twenty years. Tested in many severe political contests, our relations were seldom marred by any disagreement, and never encountered an occasion to disturb our mutual confidence and regard.

His character was complex, and his abilities so extraordinary as to be many times misunderstood. A fair estimate can not be made of him except with the perspective of time. He was a soldier with as brilliant a record for bravery as is contained in the history of the civil war; a scholar, with as broad a basis of culture and learning as was possessed by any public man of his time in the United States; a statesman ever true to the best principles of American patriotism; a political general whose battles will have places in political annals like those of Marlborough and Napoleon in the histories of military campaigns.

Kindliness of manner, simplicity of speech, sympathy of feeling, were the ordinary traits of his character. He was remarkably unaffected and unpretentious. He was not above the common failings of humanity. He possessed remarkable serenity of mind. His ordinary attitude toward calumny was one of genuine indifference. He seldom harbored any bitterness, and was ever ready to be reconciled with those to whom he had been opposed. He commanded the adherence of his followers by the confidence inspired of his courage and ability, and he was feared by his opponents, who recalled his many victories and his resourceful skill.

He had rare discernment and judgment as to public sentiment, and upon not a single occasion did he advocate a weak or un-American principle. His vote was almost invariably recorded on the right side of a question. Many of his most notable political acts were apparently done without consultation with or knowledge on the part of his political associates. On these occasions he seemed to act with a sudden intuition, which seldom failed of successful vindication. He seemed to take in at a glance the weak point in the enemy's lines, and to know with intuition amounting to military genius the point to which to direct his attack.

Frequently himself the subject of attack he never failed at the proper time to assume the aggressive. He did not deal in lofty pretensions, but few men were more careful not to perform any act that would redound to the discredit of his country.

He had absolute confidence in the people of Pennsylvania, and never feared to appeal to them boldly and directly, sometimes against what seemed great political odds. Frequently he was apparently ready to step from the field to enjoy the rest he professed so earnestly to desire, but fresh assaults drove him again into the battle. Few active lives extended over a greater space of time than his, and none included such constant struggle, so many cases in which victory was snatched

from defeat, and ill fortune conquered by the genius of political generalship than his. His political career extended over a period of forty-five years, beginning with his election to a county office in Beaver. After his military service was over his career became identical with the political history of Pennsylvania, and for the greater part of the time he was the central figure in the contests which have controlled the State.

No public man in the history of American politics was so much the subject of unbridled, malevolent, partisan, and ignorant abuse and misrepresentation. Proper criticism of public men is to be invited and encouraged and not decried, but in his case criticism overshoot the mark. Unjust and baseless calumny and detraction only excited the generous indignation of his friends and strengthened the adherence and determination of his party followers; while the public mind, made callous by indiscriminate abuse, gave deaf ear even when appeals were made in matters often of legitimate discussion and criticism.

In perhaps the darkest crisis of his long and often stormy political career, by a courageous and aggressive movement he struck the center of the opposition forces, and was elected treasurer of the State. After his second election to the Senate, at a time of life when most men seek merited repose and enjoyment of achievement, he entered upon one of the most prolonged and hard-fought struggles in the political annals of Pennsylvania or any other State. After his reelection for the third time to the Senate there was hardly a voice raised in the State against his political leadership. Had he lived there would hardly have been a semblance of a contest on the question of his reelection by the present legislature.

He passed away, having, after unparalleled struggles, achieved complete success, having reached the age of three score and ten, with his leadership admitted by all and maintained by the general assent of his party.

Mr. QUAY was born in Dillsburg, York County, Pa., September 30, 1833, and was of Scotch-Irish extraction. He was the son of Rev. Anderson Beaton and Catherine (McCain) Quay, and he was named after Gen. Matthew Stanley, of Brandywine Manor, Chester County. The Rev. Anderson Beaton Quay was eminent as a Presbyterian clergyman, both in eastern and western Pennsylvania. Joseph Quay, father of the Rev. Anderson B. Quay, married Asenath Anderson and resided in what is now Schuylkill Township, Chester County, Pa.; and in this township Patrick Anderson, father of Mrs. Asenath Quay, was the first child to have its nativity. Patrick Anderson was a captain in the old French and Indian war, and on the outbreak of the Revolution was, with Anthony Wayne, a member of the Chester County committee. In 1776 he entered into active service as captain of the first company mustered into the Pennsylvania musketry battalion, and after the battle of Long Island, in which Colonel Attee was captured and Lieutenant-Colonel Perry killed, he became its commander. In 1778 and 1779 he sat in the Pennsylvania assembly, and his son, Isaac Anderson, represented the same district in Congress from 1803 to 1807. James Anderson, father of Col. Patrick Anderson, came from Isle of Syke in 1713, settled in Pennsylvania, and there married Elizabeth Jerman, daughter of Thomas Jerman, a famous Quaker preacher, who, with his wife, Elizabeth, came from Wales and settled in the Chester Valley in Pennsylvania about the year 1700, and erected one of the earliest mills in the province.

It has been observed that it was a great source of strength for Mr. QUAY that through his ancestry and in his own life work he was thoroughly identified with the people of Pennsylvania, and had participated in all their trials and struggles. He was imbued with a sincere faith in the merit of their achievements, and understanding their wishes and characteristics, was peculiarly fitted to represent them. He had much pride and interest in his ancestry, and boasted of his pure Pennsylvania stock. It is doubtful whether he had ever addressed a public audience until October 1, 1900; when he made the opening speech at West Chester, Pa., in a remarkable speech-making canvass incident to his candidacy for election to the Senate, in which he declared:

I may claim kinship with you, for my parents, grandparents, great-grandparents, and great-great-grandparents were of your people. My great-grandfather was the first white child born in Charlestown Township and commanded detachments of your troops in the Colonial and Revolutionary wars. His mother was the daughter of Thomas Jerman, the Quaker preacher in the Chester Valley. His wife, my great-grandmother, was the sister of Col. John Beaton, who was chairman of your committee of safety in Revolutionary times. The half-brother of my grandmother represented this district in Congress in 1803, so that I might use here the jungle call of Mowgli in Kipling's romance: "We are of one blood, ye and I."

And again, in one of the closing speeches of the same campaign at Phoenixville, on October 27, 1900, he declares:

It gives me great pleasure to meet my fellow-citizens of Phoenixville. It is, in a measure, a home-coming. Only 2 or 3 miles hence, some of my ancestors came out of the ground a couple of centuries

ago. It was so long ago that the red Indians had still their village here. The story goes that my great-great-grandmother, when she went to meet her father, a Quaker preacher over in the Chester Valley, left her babe, my great-grandfather, Patrick Anderson, in charge of the Indian squaws. I would suggest that from this suckling came my total depravity were it not that my relative, Mr. Anderson, who lives on the property his ancestors owned in 1712, might object.

He was brought to western Pennsylvania as a boy in 1840, his father having been selected as the pastor of a strong and influential congregation of Presbyterians in Indiana County, Pa. He remained at that place for upward of ten years, and here the young man got his academic education, being a classmate of the late Judge Silas M. Clark, of the supreme court of Pennsylvania. From Indiana the Rev. Mr. Quay moved to Beaver, Pa., which was the home of his son, Senator QUAY, for nearly fifty years.

After being thoroughly prepared, he entered Washington and Jefferson College, at Canonsburg, Washington County, from which institution of learning he was graduated with distinction at the early age of 17 years. In 1850 he commenced the study of law in Pittsburg, in the office of Penney & Sterrett, a prominent legal firm, of whom the junior partner later became famous as a judge in Allegheny County and as a member of the supreme court of the State of Pennsylvania. But before he had completed his legal studies Mr. QUAY became desirous of traveling, and accompanied a college friend to his home in Mississippi. After a sojourn of two years in that State, and in Louisiana and Texas, during which time he taught school, lectured, and acquired much valuable information, he returned to his home in Beaver, where the impress of his strong will and well-balanced mind was soon made, not only upon the politics of his county, but on that of the whole State. Immediately after his return Mr. QUAY resumed his legal studies with R. P. Roberts, afterwards colonel of the One hundred and fortieth Pennsylvania Volunteers, who was killed at Gettysburg. In 1854 he was admitted to the Beaver bar; in 1855 he was appointed prothonotary of Beaver County; in 1856 he was elected to the same office, and reelected in 1859. In 1861, moved by the same patriotic spirit that possessed so many young men, he resigned his office to accept a lieutenancy in the Pennsylvania Reserves, then organizing for service. While his regiment was awaiting at Camp Wright the call to the front, he was summoned to Harrisburg and made assistant commissary-general of the State, with the rank of lieutenant-colonel. It was here that his capacity for organization, his energy, and his rigid and exact attention to details soon attracted the attention of the authorities, and upon the transfer of the commissary department to Washington Governor Curtin appointed him his private secretary. The military staff of the governor having been dispensed with about that time, the duties of these offices, together with the then enormous correspondence of the executive office, devolved upon the private secretary, all of which were diligently and methodically performed.

In August, 1862, Colonel QUAY was selected to command the One hundred and thirty-fourth Regiment, Pennsylvania Volunteers, nine months' service, and continued to fill that position until prostrated and enfeebled by typhoid fever, after the battle of Antietam. Afterwards he was chosen by Governor Curtin to attend to the delicate and responsible duties of State agent at Washington. His resignation as colonel of the One hundred and thirty-fourth, on account of physical disability, was accepted; but the acceptance arrived immediately upon the eve of the battle of Fredericksburg, December 13, 1862, and into the fight he accompanied his regiment as a volunteer, eliciting by his conduct a complimentary mention in general orders and receiving from Congress the medal of honor for gallantry on the field. He fulfilled with great credit all that was required of him as State agent, the duties of his place being exacting and arduous, as Pennsylvania was a border State, the seat of war, and subject to its ravages. The legislature, in 1863, in order to meet the urgent needs of the service, created the office of military secretary, and Governor Curtin, remembering the valuable services of his former private secretary, immediately recalled him and assigned him to the newly created post. Upon the death of Col. W. W. Sees, superintendent of transportation and telegraph, the duties of that office were also transferred to him.

Holding these important and confidential relations to the governor until 1865, he resigned them to take his seat in the legislature, to which he was elected in 1864, to represent the district of Washington and Beaver counties, and was reelected in 1865 and 1866. In this body he was made chairman of the committee of ways and means, and among the many important measures reported and passed during the winter of 1867 which bore his stamp was the act relieving real estate from taxation. In 1867 the Republican party was divided into two factions on the question of the United States Senatorship, one sup-

porting ex-Governor Curtin, the other Simon Cameron. Cameron opposed Colonel QUAY, who was a candidate for speaker of the house, and finally succeeded in defeating him by defection from the Curtin forces.

No act of Mr. QUAY's early political career has been so much misunderstood and criticised as his action in this speaker-ship contest, and he has been charged by his opponents with a base betrayal of Curtin for his own personal aggrandizement. There is as little foundation for charges of this character in this incident as there is in nearly all of the similar accusations made against him during his long career. It is the universal testimony of those active in that notable contest upon each side, who are now living and able to give testimony, that Mr. Quay's course in this matter was straightforward and honorable. Senator J. Donald Cameron, who was in charge of the opposition to Mr. QUAY at the time, has frequently explained to me the details of the contest, and Col. A. K. McClure, who sat with Senator QUAY as a delegate in the State convention of the preceding year that nominated General Geary for governor, has written as follows:

"President Johnson was then shaping his departure from the Republican party, but he had three years of patronage in his hands and many of the Republican leaders were unwilling to cut themselves off. * * * The elder Cameron was then an important political factor and leader of the faction opposed to Curtin. He maintained relations with President Johnson sufficiently close to control most of the important appointments of the State, and the first question presented when the convention met was the proposition from Cameron to give some sort of indorsement to the Johnson Administration. A dozen or more prominent delegates opposed to that policy met in QUAY's room the night before the convention convened. There was much feeling on the subject and the discussion was very greatly embittered. QUAY was silent until most of those present had been heard, when he said, in his quiet way, 'There is but one thing to do; give notice to those who want the Administration of Johnson indorsed in this convention that if it shall be done we will withdraw and hold a Republican convention and nominate a ticket.' The suggestion was adopted, the notice was given, and that ended all idea of indorsing the National Administration. Cameron practically had control of that convention for the first time since his battle with Curtin, and he forced the nomination of Geary. QUAY sat with me in my room the night after the nomination until nearly daylight discussing the situation. He believed that the election of Geary would not only make Cameron master of the party in the State, but would utterly demoralize and practically destroy the Republican organization by making it either the apologist or the supporter of President Johnson. He was nothing if not heroic, and his proposition was that an open and defiant rebellion should be inaugurated because defeat at that time would be better for the Republican party than victory. * * * One of the strange features of the political situation after the election of Geary and of a legislature that was positively instructed for or pledged to Curtin was the fact that the political triumph so sincerely and earnestly deplored by QUAY led to QUAY's severance from the Curtin organization, whence he had steadily and logically gravitated into the Cameron fold. He was the Curtin candidate for speaker of the House, and made a great battle for his election in a body that had a clear majority friendly to Curtin; but Cameron, who was a masterly manipulator, gathered the entire field of Senatorial candidates against Curtin into a combination to defeat the Curtin candidate for speaker, as QUAY's election would surely elect Curtin to the Senate. The interest of local candidates for Senator, such as Stephens, Grow, Moorehead, and others, forced their delegations to aid in defeating QUAY. * * * The contest was exceedingly bitter, and when Cameron * * * had attained the control of the Republican caucus he naturally feared that Curtin would bolt and might defeat Cameron by alliance with the Democrats. J. Donald Cameron, who succeeded his father in the Senate, was then active in the management of his father's political affairs, and he sent for QUAY, assured him that there would be no ostracism of the Curtin people in the event of his father's election, and made such propositions for party unity as might induce QUAY to prevent a bolt. QUAY promptly reported the conversation to Curtin and myself. We all knew then that Curtin was defeated, and Curtin was emphatic in the declaration that he would not allow himself to be involved in a bolting fight for the Senatorship. QUAY was then informed that he could not sacrifice any interest of Curtin; that he was entirely at liberty to act in harmony with Cameron if he thought it best. The result was that QUAY agreed with Cameron that when the nomination of Cameron was accomplished in the caucus he would move that the nomination be made unanimous, and Representatives Davis and Ridgway and others who were prominent supporters of Curtin finally joined QUAY in an agreement with Cameron to sustain the nomination when made, although all of them were sincere supporters of Curtin. The result was the election of Cameron and practically the end of Curtin's power as a Republican leader in the State."

When Grant came into the Presidency he appointed Curtin to the Russian mission. With Curtin absent and Cameron in the Senate, the Curtin organization, once so powerful in the State, gradually disintegrated, and the political control of the party in Pennsylvania passed into the hands of Cameron, with QUAY as Cameron's chief lieutenant. Curtin remained in Russia until 1872, and before he had reached home he had publicly identified himself with the opposition to Grant's reelection, and logically drifted into the liberal Republican movement, by which he was made its candidate at large for the constitutional convention, and adopted by the Democrats. Thereafter, however, until Curtin's death, QUAY's personal friendship with Curtin was unabated, and in 1878, when Curtin was defeated as the Democratic candidate for Congress and contested the election, QUAY personally exerted all the power he could wield to aid Curtin in his contest. While Curtin and Cameron remained absolutely estranged, QUAY held the position of trusted lieutenant of Cam-

eron, but never was forgetful of the debt of gratitude he owed to Curtin.

In 1868 the war of the factions was renewed, and the following winter saw the anti-Cameron candidate elected State treasurer. In 1879 the breach was healed, and Hon. John W. Scott was elected United States Senator, and Robert W. Mackey, State treasurer. In 1879 Colonel QUAY started the Beaver Radical, and issued the first number without a subscriber. This paper was conducted with rare ability and soon fought its way to a leading position among the journals of the State, and its opinions, which were quoted extensively, contributed largely toward shaping public sentiment. In the canvass which resulted in the election of General Hartranft as governor, Colonel QUAY was his devoted and unswerving advocate, and exerted a powerful and controlling influence. Governor Hartranft appointed Colonel QUAY secretary of the Commonwealth. In this position, which he filled from 1873 to 1878, his experience in legislation, his great acquaintance, his knowledge of the character of public men, and his quick observation and good judgment were of incalculable advantage to the administration. He resigned from the secretaryship and was appointed recorder of Philadelphia, and this office he likewise resigned in January, 1879. In the meantime, as chairman of the State committee, he conducted the successful campaign of 1878, which resulted in the election of Governor Hoyt, who appointed him secretary of the Commonwealth. He filled this position until October, 1882, when he resigned. In November, 1885, he was elected State treasurer by the largest majority given, up to that date, to a candidate for that office, resigning in September, 1887. On January 18, 1887, he was elected United States Senator for the term ending March 3, 1893, and reelected at the expiration of his term.

Near the close of the legislature of 1895 it developed that a strong combination had been formed for the purpose of contesting the leadership of Senator QUAY in the Republican party of the State. Composing the combination were: The governor of Pennsylvania, the mayor of Philadelphia, and the then leaders of the Republican organization in Philadelphia, the Republican organization in Pittsburg, and many potent corporate influences throughout the State. An effort was made to capture the Republican State organization by controlling the convention of 1895. This was to be followed by the control of the State delegation to the national convention in 1896. It was late in June when the open rupture occurred. The combination announced that it would support Bank Commissioner B. F. Gilkeson for State chairman. Senator QUAY, in characteristic manner, joined issue and immediately announced himself for chairman of the State committee in opposition to Mr. Gilkeson. He took personal charge of the battle, which was waged until the convention in August, and when the convention met he had a safe majority of the delegates. The factional warfare continued with great bitterness until after the close of the legislature of 1901. In 1898 those who hoped to compass his defeat for reelection to the Senate with that end in view brought a prosecution on the charge of having conspired with other persons to use State funds for private purposes. After full trial he was acquitted. Before the conclusion of the trial the Pennsylvania legislature of 1899 had adjourned without accomplishing a senatorial election.

Senator QUAY's second term in the Senate expired on March 3, 1899. The legislature of Pennsylvania met on the first Tuesday of January of the same year. In joint caucus several candidates were voted for, but Senator Quay received 98 out of the 109 Republican votes present, and was unanimously declared the caucus nominee of the Republican party. The legislature proceeded to ballot for a United States Senator on the third Tuesday of January, 1899, and continued to ballot each day until the legislature adjourned on the 20th day of April, as required by a resolution of adjournment. None of the candidates received a majority of the votes cast, and no election resulted. On the first ballot taken in the joint assembly, QUAY, Republican, received 112 votes; Jenks, Democrat, 82; leaving scattering and absent, 60. On account of members and senators absent and not sworn in, it required 126 votes to make the majority necessary to elect. Seventy-nine ballots were taken when the legislature adjourned sine die, and on the following day, the legislature having adjourned and a vacancy in the office of United States Senator existing by reason of the failure of the legislature to elect, the governor of Pennsylvania, believing that the State was entitled to full representation in the Senate, appointed Mr. QUAY to fill the vacancy until the next meeting of the legislature. The validity of this appointment was called into question in the Senate and passed upon adversely by a majority of one.

The facts in the case and the questions involved are of too recent a character to require more than reference. The ques-

tion at issue was purely one of constitutional interpretation: "Was this a legal appointment?", or, in other words, the question was, "Can a vacancy which is caused by the expiration of a senatorial term, and which takes place during the session of the legislature, be filled by executive appointment?" The determination of the question depends entirely upon the construction of the brief and concise provisions in the Constitution regarding the appointment of United States Senators. The question has been exhaustively discussed upon several occasions in this Senate. It has often been affected by partisanship and by the peculiar exigencies of particular cases. In the mass of technical and subtle refinements and distinctions to which the simple words of the Constitution have been subjected, the meaning of these words, to a certain extent, seems to have become involved in obscurity and doubt; but the progressive, common-sense interpretation of the question has become more and more predominant in sustaining the validity of executive appointments to fill senatorial vacancies whenever a vacancy may occur.

The development of interpretation of the Constitution on this point is marked by the evolution out of contracted and illiberal construction of the clause. It was originally contended that the governor could not appoint to fill a vacancy happening at the beginning of a Senatorial term. The word "happen" was construed to mean a vacancy happening in a term after that very term had once been filled. This old and prevalent contention has been outgrown. Then it was contended that the limitation was such that no appointment could be made by a governor in anticipation of a vacancy. In other words, the governor of a State, undertaking to exercise the power of appointment, must wait until the vacancy actually happened. No matter how certain the vacancy might be, no matter how sure the governor might be that the vacancy would exist on a particular day, with no possibility of filling it by means of the legislature, nevertheless, he could not make the appointment, but must wait until the vacancy actually happened, and then make the appointment at the seat of government of his State, and let the place remain vacant until the appointee could reach Washington.

Then the limitation was set up, which was involved in the QUAY case, that the executive power could not be exerted where the legislature of the State had had an opportunity to fill the vacancy, and had failed from any cause to do it. Finally, a fourth limitation has been contended for, which, I believe, has never been passed upon by this body, but which should be relegated to the oblivion of the earlier contentions, that after the governor had once made an appointment his appointee could only hold his office until the next meeting of the legislature, and if the legislature failed to elect, the governor could not make a second appointment. The progress made in the precedents of the Senate in respect of the interpretation of the clause of the Constitution relating to the appointment and election of Senators is such as to warrant the belief that ultimately this body will come to the logical and consistent conclusion contended for in the QUAY case. The contest has been a long one against a spirit of narrowness, technicality, and interested partisanship. The interpretation of every word in the provisions of the Constitution concerning Senators has exhibited a progressive tendency towards liberality, in order that the evident purpose of the Constitution might be carried out, that the Senate should be kept filled. The contention made by those opposed to the seating of Senator QUAY, that a governor could not appoint when the legislature had had an opportunity to elect, or after having once appointed, that power is exhausted, are two of the last places left for those who, by a curious persistency, desire to hamper the full representation of States in this Senate. It is reasonable to believe that the ultimate decision of this body will be to complete the progressive constitutional interpretation, and will recognize the intention of the Constitution to create a Senate, and, as a consequence, to have that Senate filled, and to have the Senate filled by elections by legislatures for full terms, or remainder of terms, and by temporary appointments by governors where there are vacancies existing in the recess of the legislature.

The power of temporary appointment by the governor is as little capable of exhaustion as is the power of election on the part of the legislature. The governor can appoint as often as vacancies exist, just as the President can fill vacancies in the offices of the Government. The Constitution has provided two methods of equal authority under which the senatorial office can under every circumstance be kept filled. The proposition that the Constitution provides for the election of Senators for a term, or for the remainder of a term, and for the temporary appointment of Senators in case of vacancies until the legislature meets, is simple and direct. On the other hand, any proposition which involves any limitations arbitrarily set up, based upon refine-

ment and technicality, upon the right of the executive to appoint, involves the question in confusion and obscurity. More than this, it has been the chief reason why so many of these cases are valueless as precedents, because they have been open to the charge of having been decided upon partisan or factional lines. The moment we attempt to define and to restrict and to limit the executive power of temporary appointment to fill vacancies, we open the door for discrimination and distinction in each particular case. These cases of executive appointment will never be settled in this Senate until they are settled upon the plain, common sense principle of recognizing the right of the State to be represented, the paramount purpose of the Constitution to keep the Senate full, and the power of the legislature and the governor, in their respective spheres, to contribute to that end. Until that is done these cases will always be involved in partisan and personal considerations. They will be subject to the same influences of party and personal motives as are found in the decisions of contested election cases in all parliamentary bodies.

In the case of Senator QUAY it could not be contended that the will of the people was not fairly expressed by the appointment of the governor of the State. The people of Pennsylvania sustained with increasing majorities the regular organization of the Republican party which was represented in the legislature of 1899 by the Republican caucus, which unanimously nominated Mr. QUAY for the Senate. In 1898 the Republican candidate for State treasurer, after a campaign in which the administration of the State treasury had been directly and vigorously attacked, received 372,448 votes, and the Democratic candidate 242,731, making the Republican candidate's plurality 129,717. The vote for the Democratic candidate and all other candidates for State treasurer opposed to the Republican candidate was 421,517, making a popular majority over the Republican candidate of 49,029. It will be observed that in this election of 1897, while the Republican candidate polled an enormous plurality, he failed to poll a majority of all the votes cast. In the following election in November, 1898, the Republican candidate for governor received 476,206 votes, the Democratic candidate 358,300 votes, giving the Republican candidate a plurality of 117,906 votes. The vote for the Democratic candidate and all other candidates opposed to the Republican candidate for governor was 495,509 votes, making the popular majority against the Republican candidate, notwithstanding his enormous plurality, 19,303 votes. While the leading candidate failed to poll a majority of the whole vote, the majority against him of all candidates was actually 30,000 votes less than that for State treasurer in the preceding campaign. In the election of 1899 a State treasurer was elected. The Republican candidate ran upon a platform which contained an emphatic indorsement of Mr. QUAY, and declared that—

Our State is entitled to full representation in the United States Senate, and we indorse the action of the governor in making his appointment to fill a vacancy caused by the failure of the last legislature to elect.

Upon the question of the adoption of the platform in the State convention containing this emphatic indorsement the vote had been 192 to 49, indicating a practical unanimity in the convention. The campaign involved the attacks upon the management of affairs by the Republican party, which had been vigorously made in the two preceding campaigns, and, in addition, the issue was squarely fought out upon this plank in the platform as to the indorsement of Mr. QUAY. The vote for the Republican candidate for State treasurer elected in November, 1899, was 438,000 votes. The vote for the Democratic candidate was 327,512, making the Republican candidate's plurality 110,488 votes. The vote for the Democratic candidate and all other candidates opposed to the Republican candidate was 325,488, thus giving the Republican candidate an actual majority of all the votes cast of 85,512 votes.

In the two preceding campaigns, with enormous pluralities, the candidates of the Republican party failed to poll an actual majority. Now, with the issue fairly made upon a candidate for State treasurer, with the added issue made the leading feature of the campaign upon Mr. QUAY, and the plank in the platform of the Republican party indorsing his appointment, in an off year, with every opportunity for party dissatisfaction and reaction, after three years of agitation and unlimited opportunities for publicity, the final result was the polling of an enormous actual majority for the Republican party and an indorsement of the Republican platform with the plank indorsing the appointment by the governor. One of the most striking features of the results in the election following upon the adjournment of the legislature, is the fact that in the counties of Pennsylvania whence had come the bolting Republicans the candidate for State treasurer received enormous gains. Thus was demonstrated the fact that the governor of Pennsylvania, in making this appointment, having a due regard for his responsibility to

the people of the State, was sustained by them, and that he acted in accord with the sentiment of the great majority of the people of the State.

Senator QUAY was made chairman of the Republican National Committee without his consent and entirely without his knowledge. He was placed at the head of the committee because of his worth as a political general, although he had not been an original supporter of Harrison. In March, 1888, Mr. QUAY, after looking over the field, declared himself for Senator John Sherman, of Ohio, for the Presidential nomination; and he was supported by the Pennsylvania delegation, with but few exceptions. It was charged at the time by some of his opponents that he had risked his future upon the selection of Sherman; that he desired to be chairman of the national committee, and that he would win or lose by the decision of the Chicago convention. And yet it is very well known to those who were in his confidence that he had no desire whatever for that office. Speaking to a close personal friend in the spring of that convention year, he said:

It is a thankless task. If I should become chairman and lose the contest I would be criticised by my own party. On the other hand, should I win, I would be the object of vilification by the Democrats. But beyond all that, man's ingratitude to man would assert itself. The Democrats would be so incensed that they would go to any extreme in their hostility, and there would be those in my own party who would join them. I do not want the office.

When we recall the unparalleled personal attack to which Senator QUAY was subject from the time of his assuming the duties of the chairmanship of the national committee until the time of his death, his words are prophetic. It is unnecessary at this time to recall the details of that great contest. It will be sufficient now to record the resolution passed by the members of the Republican National Committee relative to Mr. QUAY's services, as follows:

Resolved, That we accept against our own judgment, and with much doubt as to the wisdom and expediency of it for the party's interest, the action of Senator QUAY in his resignation as chairman and member of the national committee. In submitting to it, with so much of reluctance and personal regret, we desire to express from our own knowledge of the facts of his preeminent service to the party our sense of the deep obligation under which he has placed the Republican party and the cause of good government and patriotism in the United States. He undertook the leadership of a doubtful contest at a time when the Republican party was disheartened and the Democratic party confident in the power of supreme control in the government and the nation, and when the odds of the contest were against our party, and by his matchless power, his unequalled skill in resources, and his genius to command victory won for his party an unprecedented victory in the face of expected defeat. We know, as no one else can know, that the contest which he waged was one of as much honor and fair methods as it was of invincible power and triumphant victory, and that it was won largely by the power of his superior generalship and his unflinching strength as a political leader. In the great contest of 1888, in the months of severe effort, and in the years of personal association with him since, we have learned to know the nobility of the man, and we desire in this conspicuous manner to place on public record for the present and for the future as an enduring answer to the partisan assaults of a defeated enemy, our testimony in appreciation of his public services and his personal worth."

One of Senator QUAY's great elements of strength in Pennsylvania was the support of the old soldiers of the Union Army, who, better than anyone else, recognized the true soldier with a gallant record as distinguished from the pretender. The brilliancy of his military record was admitted by all. When McClellan fought the battle of Antietam, Colonel QUAY's regiment was among the forces ordered to make forced marches to reinforce McClellan. After marching all night until nearly daybreak, he reached the rear of McClellan's army the day after the battle. An eyewitness of Colonel QUAY's gallantry at this time, Col. A. K. McClure, says:

QUAY, after marching all the night until nearly daybreak, reached the rear of McClellan's army the morning after the battle. I was on the battlefield during the conflict, and knew that these reinforcements were expected sometime during the night. Very early the next morning I started in search of QUAY, and found him just finishing his breakfast, after having had a nap of an hour or two, in fatigue uniform and boots. He confidently expected and earnestly hoped that the action would be renewed, and that the men he had very carefully disciplined would receive their first baptism of fire. They were placed in position at the front, but the entire day passed without a single hostile shot, and that night Lee made his escape across the Potomac. He continued with his command until McClellan reached Warrenton, when Burnside was appointed to succeed him as commander of the Army of the Potomac. Just before Burnside made his movement toward Fredericksburg, Governor Curtin had decided that QUAY must resign his commission as colonel that was then within a few months of completion, as he commanded a nine months' regiment, to accept the very important office of military State agent at Washington.

The incumbent of that office had proved unsatisfactory, and as all the complaints and requests of the Pennsylvania soldiers relating to furloughs and other matters were personally attended to by the State agent, who had the entree to all the Departments of the Government, Governor Curtin regarded it as one of the most important positions he had to fill. QUAY earnestly protested against being withdrawn from his command when it was the first time he had prospect of a battle, but Curtin was peremptory in requiring him to accept it as a matter of justice to our soldiers in the field. QUAY then forwarded his resignation, stating the reasons for doing it, and the governor wrote to the War Department explaining that he had great need for QUAY in another posi-

tion, and urging that his resignation be promptly accepted. Just when Burnside was approaching Fredericksburg, QUAY received notice of the acceptance of his resignation and he was mustered out of service. Just then the paymaster came along and paid his regiment, and as QUAY was about to return to the State the men of his regiment committed to his care some \$8,000 to take home to their families, and QUAY had the money in large denominations placed in a belt that he wore hidden around his person. A battle soon followed; QUAY was unwilling to leave, and he promptly volunteered to serve on the staff of General Tyler, whose command made the bloody and fruitless charge up Marie's Heights. Tyler's command was, "Officers in front of your men, charge" and QUAY was in the front line with the officers when that charge was made, and advanced as far as the farthest in the desperate and utterly hopeless struggle to reach the enemy's position. In his anxiety to participate in the battle he had forgotten that he had on his person a large amount of money belonging to the families of his soldiers, which he undoubtedly would have lost had he fallen in the fight, as did nearly half of those who entered it with him. * * * For his participation in that charge he was awarded the medal of honor, and no one of the many brave men who were thus awarded wore the medal more justly.

The tariff in Pennsylvania has always been the paramount issue. It has kept the State without faltering on a single occasion in the Republican column when National issues were involved. With her extensive domain and her boundless natural resources, Pennsylvania is preeminently the beneficiary of the protective tariff system. Senator QUAY voiced the sentiment of the people of Pennsylvania in his speech at Phoenixville, on October 27, 1900, when he said:

Pennsylvania is honest. Her people are honest. Her officials are honest. And of all this union of States, Pennsylvania is the fairest and the happiest and the most intelligent and the best governed. No State of all the Union has so thriven and grown in population and wealth as has she under the government of the last twenty-five years. Railroads, mines, furnaces, iron works, steel works, and factories in countless numbers have been added to our producers of wealth. Within four years, since 1896, 450,000 men have been added to the roll of paid labor in Pennsylvania. If this union of States were dissolved, Pennsylvania could stand alone and be a nation unto herself. Out of her own bowels she could spin the web of her prosperity. She could place in the field and clothe, equip, and subside an army of one-quarter of a million of men. She could build at her own shipyards her own navy, plate her ships from her own armor plants, arm them with guns from her own gun factories, and send them out on the Atlantic and the Great Lakes. In her industries she could levy tribute on all her sister States and almost all foreign countries. I am proud there is not a drop of blood in my veins that is not Pennsylvania blood two centuries old. I thank God I am a Pennsylvanian.

The Schenck tariff bill was passed in the Fifty-first Congress. One of its leading features was the levying of a duty of \$28 per ton on steel rails, which duty built up our great steel-rail industry. The whole scope and intention of the tariff act of 1870 were most friendly to the American industries, and the consequences of this legislation were of immense value and of far-reaching importance. The tariff act of 1870 definitely fixed the revenue policy of the Republican party in time of peace on protectionist lines, and it was a strong bulwark of defense for the industries of Pennsylvania and of the country during the trying years following the panic of 1873. It was in force without material change for thirteen years—until 1883—when it was succeeded by the tariff act of that year, a measure of protection framed on the lines of the Schenck bill, but lacking in symmetry and bearing marks of haste on every page. In the meantime, however, there had been two important tariff debates in 1872 and 1873, and one vigorous attempt to repeal the whole legislation of 1870. The Wood tariff bill of 1878 gave the manufacturers of the country great anxiety, but after a long discussion it was defeated upon the motion of General Butler to strike out the enacting clause, the vote being 134 yeas to 121 nays, 19 Democrats voting to strike out. Hon. Samuel J. Randall, of Pennsylvania, was Speaker of the House at the time. A determined effort to reduce the steel-rail duty to \$10 per ton was made in 1880, through the Covert bill, but this measure was beaten in the Ways and Means Committee. That was a critical time for our steel-rail industry.

Soon after the passage of the tariff act of 1883 a vigorous agitation was begun for its repeal. In 1884 Mr. Morrison introduced in the House his "horizontal reduction" tariff bill, which led to a long debate, resulting in the defeat of the bill upon the motion of Mr. Converse (Democrat) to strike out the enacting clause, Mr. Randall and 39 other Democrats voting with Mr. Converse. The House was Democratic by a large majority. The vote was 159 to strike out and 155 to sustain the bill. In November of that year Mr. Cleveland was elected to the Presidency. In his first annual message to Congress in December, 1885, he recommended a general reduction of duties; and early in 1886 Mr. Morrison introduced another bill to revise and reduce the tariff. This bill was also defeated, the House, which was again Democratic by a large majority, refusing even to consider it, the vote being 140 yeas to 157 nays, Mr. Randall and 34 other Democrats voting to kill the bill. For this reason Mr. Cleveland never forgave Mr. Randall. In his next annual message, in December, 1886, Mr. Cleveland again recommended a reduction of duties, and in the same month Mr. Morrison

again brought forward his tariff bill of the preceding long session, but Congress again refused to consider it, the vote being 149 yeas to 154 nays, Mr. Randall and 25 other Democrats voting in the negative. That was the virtual end of tariff agitation in that Congress.

But Mr. Cleveland adhered to his determination, and in his annual message in December, 1887, he again recommended a reduction of duties. His message marked a more radical advance by Mr. Cleveland toward free trade than any of his previous utterances on the tariff question, and it alarmed the country. In January, 1888, Mr. Mills, of Texas, became the Chairman of the new Ways and Means Committee, the House again being Democratic, and on March 1 he submitted his now famous tariff bill. Before a final vote upon its merits had been taken, Mr. Cleveland was nominated at St. Louis, in June, for a second term, upon a platform specifically indorsing the Mills bill. In the same month General Harrison was nominated in Chicago for the Presidency, upon a platform in which the Mills bill was indorsed by name. On July 21 the Mills bill passed the House by a vote of 162 yeas to 149 nays. Only four Democrats voted against it. Mr. Randall would also have recorded his vote against the bill if he had not been too ill to be in his seat. In behalf of the Republican majority in the Senate, a substitute for the Mills bill was prepared and submitted. Both bills were fully discussed in the Senate, on the stump, and in the newspapers, during the remainder of the Presidential campaign. The Senate substitute passed this body on January 22, 1889, by a vote of 32 yeas to 30 nays. It was never considered by the House. The Mills bill was, however, dead. In the meantime Mr. Cleveland had been defeated for the Presidency by a close vote, the principal issue being the tariff question as expressed in the two bills referred to.

It was in this emergency, so fraught with important consequences to the industries of the country, that Senator QUAY first took up his active work in upholding our protective policy. Soon after the nomination of General Harrison, in June, 1888, Senator QUAY, who had entered the Senate in March, 1887, and whose reputation as a wise political manager had preceded him, was made chairman of the Republican National Committee. The task set for him was the election of General Harrison and a Republican House of Representatives. He accomplished both of these objects. The country rang with his praises. Everybody conceded that without his skillful leadership the battle for protection would have been lost, for New York, the pivotal State, was carried for Harrison by only about 13,000 plurality. If Mr. Cleveland and a Democratic House had been elected, the Mills bill would have been indorsed, and tariff agitation on free-trade lines would have continued. Mr. Cleveland had already practically destroyed the protectionist sentiment in his own party, and Randall was on his deathbed. But Harrison's election, under Senator QUAY's leadership, put an end for four years to all free-trade hopes.

As a logical result of the Republican success in 1888, the House of Representatives, when it met in December, 1889, undertook the revision of the tariff of 1883, on the lines of the Senate substitute for the Mills bill. This revision subsequently became a law, as the McKinley tariff bill. It passed the House on May 21, 1890, by a vote of 164 yeas to 142 nays. It passed the Senate on September 10 by a vote of 40 yeas to 29 nays.

The Senate had made many changes in the McKinley bill, some of these changes materially reducing duties, but in the conference committee most of the original McKinley rates were restored.

Of Senator QUAY's services in this connection Mr. James M. Swank, of Philadelphia, editor and publisher of the *Bulletin*, a paper devoted to the American Iron and Steel Association, says:

Both in the Senate and in the committee of conference Senator QUAY's assistance was invaluable in securing the adoption of the rates of duty which were embraced in the McKinley bill as it passed the House. Apart from his lifelong devotion to the protective policy as it is understood in Pennsylvania, there was a special reason why Senator QUAY should object to the reductions in the McKinley bill which had been strangely proposed by his Republican colleagues in the Senate. As chairman of the Republican National Committee he had made the fight against Mr. Cleveland upon the basis of the Senate substitute for the Mills bill, and he had not forgotten the Republican party's promise to the country which was embodied in that substitute. His effort to secure the retention of the original McKinley rates were in the main successful.

Senator QUAY's part in securing the substitution of higher rates of duty for hundreds of the practically free-trade provisions of the Wilson tariff bill in 1894 is of too recent occurrence and is too well known to Senators to require more than a passing reference at this time.

The people of Pennsylvania, beyond those of any other State, realize how often the protective policy has been in peril during

the past twenty-five years, even in the house of its friends. They, beyond all others, know how prosperity has followed the enactment of protective legislation; how disaster and depression have ensued from repeal or modification, and how uncertainty and loss have invariably followed even agitation for revision or change. The element of stability is as important in a protective tariff as is the adequacy of the schedules. Business can not be conducted prosperously where change in conditions is threatened. The people of Pennsylvania realize that the present system of protection to American industries embodied in the Dingley bill is the successful result of long and often doubtful struggles.

This policy has been maintained throughout this long period only by the hard and unselfish work of a few devoted friends in both branches of Congress. Pennsylvania has good reason to remember with gratitude its faithful sons who have fought many hard battles that its industries might be saved from destroying hands. On more than one occasion the personal efforts of Kelley and Randall and QUAY have saved the industries of Pennsylvania.

While Senator QUAY was not generally recognized as a great public speaker, yet he demonstrated in his last campaign for the Senate that he possessed the qualities of real eloquence. He was a classic scholar, and when occasion demanded it he gave utterance to some of the best thought that has ever been spoken by Pennsylvania statesmen. He possessed one of the finest working libraries in the United States, and he was familiar with nearly every volume in it. It abounded most in works of history, and was especially rich in Americana, while including all the standard works of history and philosophy relating to the development of modern Europe. He was a student of military campaigns and possessed many books and much knowledge relating to Napoleon. Of American history, not only in its military stages, but in its social and political development from the very earliest Colonial times, he always was an ardent and appreciative student. In fact, it is doubtful whether there is anyone, even among those who have devoted their lives to a study of the subject, who were more intimately acquainted with the details of American history than he. He was not especially fond of poetry, although in that branch of literature he was widely read. He had great admiration for the works of Sir Walter Scott, and of Whittier and of Longfellow. Of the classic poets he admired Horace the most, and was ever ready to take up the works of Homer, Virgil, Dante, Goethe, Schiller, and Shakespeare. His religious beliefs seem to have been with him matters of deep, settled conviction, and he does not appear to have cared much for works of scientific or philosophical character.

Mr. QUAY's efforts in behalf of statehood for the Territories are too recent to require more than reference in this body. Notwithstanding the fact that he represented, in part, the second State of this Union in point of population, he entertained no apprehensions in his willingness to concede to these Territories equal representation with Pennsylvania in this body. He recognized the just demands of the inhabitants of these growing sections, many of whom were Pennsylvania people with large and growing interests in the Territories. He had an abiding confidence in the future of the Territories, and believed that with their magnificent climatic conditions and their almost unknown and unrealized natural resources, they possessed within themselves the splendid possibilities of becoming great Commonwealths, and were at the present time fully fitted to take their places in the American Union.

Mr. QUAY took great pride in the fact that in his ancestry he counted Indian blood. In his later years his Indian ancestry was a matter of much investigation and interest with him. His ancestor, John Quay, it appears, came from the Isle of Man and located in Canada, where he married an Indian woman. He had a son, John Quay, jr., who also married an Indian woman. Senator QUAY was the fifth generation from this marriage. As the result of his investigations and interest in his own Indian ancestry he came to take a great interest in the welfare of the Indians, and he was to them a valued friend. The Indians residing in the Indian Territory, and especially the remnants of the once mighty and powerful tribe of Delawares, appreciate his many benevolent acts and will ever cherish his memory.

The unfortunate experiences of the Delawares with the whites excited in Mr. QUAY a lively sympathy. Familiar as he was with colonial and Indian history, he felt that in most of their dealings with the whites these people had been cheated. They lived near Philadelphia, and with them Mr. Thomas Penn made his famous "walking purchase." A witness was produced to say that forty years before he had seen a treaty providing that the Delawares should give the English all the land measured from a base line running up the Delaware River as

far as a man could walk in a day. The Delawares held a council and finally agreed with the whites that they would fulfill this treaty which it was claimed they had executed. When the day came for the execution of the treaty the whites had blazed the trail up the Delaware River, but instead of following the course of the river they struck a bee-line inside of the river from one bend to another, and put men on horseback to help out their walkers, who turned out to be the fastest runners of the neighborhood, and so acquired about \$6,000,000 worth of land from the Indians. The next year the whites called in the Iroquois. They were the overlords, and the whites and the Iroquois combined. The Delawares could not resist. They were ordered off. They went, not as a tribe, but as families, and night after night in the woods the little flames were seen, and in the morning the houses and homes of the Delawares were found in ashes, and the families were gone. The men took their guns and the women their babies and ponies, and they left for the West. Family after family disappeared forever from their old haunts into the gorges of the Alleghenies. They went to Ohio and took part against the whites, and during the French and Indian war they were the most relentless and savage enemies we had.

During the Revolution this special band, which is now in the Cherokee Nation, took the part of the United States. They first settled on the Muskingum. Their lands were bought from them there and they were told to move on, and they moved on to White River, Indiana. Their lands were wanted there. They were crowded, and their advance parties then crossed to the regions which are beyond the Mississippi, which were under Spanish domination. The Spanish enlisted them in their service to fight the Osage and the Missouri Indians, and gave them a large tract of land below St. Louis, near Carondelet. The United States acquired Missouri and the Northwest Territory, and these Indians then moved on to Kansas. They served in the Seminole war, in the Mexican war, and in the war of the rebellion. In the war from 1861 to 1864 every Delaware able to bear arms served in the Union Army. They subsequently sold their lands, passed through Kansas, and became Cherokee, and they are now in the Cherokee Nation. The romantic story of the migration of the once powerful Delawares across the continent appealed strongly to Mr. QUAY, and he became their champion.

In the winter of 1897-98, when negotiations were attempted between the Dawes Commission and the Cherokees, an effort was made to deprive the Delawares of much of the land which they thought they had purchased, and which they had paid for in cash, under their agreement of 1867 with the Cherokees. An effort was made to determine their rights, and at least to secure the opportunity of trying them in the Court of Claims and the Supreme Court. They were without money and without friends at home and in Washington, and their condition was pitiful. After seeking the assistance of many public men they finally appealed to Senator QUAY for aid. He listened attentively to their story and then informed the representatives of the Indians that he was greatly interested in their case as his ancestors many generations before were of Indian blood. He stated to them that John Quay, an ancestor, had married an Indian girl of the Abenakas Tribe, known as Wa Pa Nachki, a member of the eastern branch of the Delawares. From that time Mr. QUAY continued a consistent, loyal, and true friend of the Indians. He championed their cause before Congress and before the Departments, and secured just recognition, which could never have been obtained without his assistance. As a result of his efforts, in the case of the Delaware Indians, they secured the following property rights, without which they would have been reduced to poverty and almost have become objects of charity: The right to take their allotments where they had lived and where their homes had been in the rich valleys of the Cherokee Nation, instead of in the flint hills many miles distant on barren soil; the right to institute suits in the Court of Claims in order to adjudicate judicially their claims against the Government; the appropriation of \$150,000 by Congress in full settlement of all their claims against the United States; lastly, the right of the members of the tribe to dispose of their improvements upon surplus lands.

Not only was Mr. QUAY the special friend of the Delawares, but he was also the friend of many other tribes. He rendered valuable assistance to the Sioux, the New York Indians, the Seminoles of Florida, the Nez Percés, and many others. His generosity is well known, and instances could be recounted almost without number where he gave pecuniary aid to members of tribes visiting Washington, his generous acts never, however, being mentioned by him. During a visit to Canada he caused to be constructed a chapel at the little Indian village called Pierreville Yanaishi, Quebec, Canada, as an evidence of his friendship

for the eastern Delawares and of his ancestral relationship with that locality.

In November, 1903, he gratified a desire he had often expressed, to visit the Delaware people and attend their annual thanksgiving dance at Dewey, and was greatly impressed with their ceremonies. On this occasion Mr. QUAY, who was recognized by the Delawares as an Indian, was elected war chief of the tribe, and as such he will ever be known by that people.

In speaking of his visit on his return from the Indian Territory, Senator QUAY said that he had been through the war and had experienced many solemn occasions, and nothing had ever impressed him as being as solemn and sincere as the actions of the Delaware Indians at this dance, and that he felt as proud of the honors conferred upon him by the Delaware Indians as any office of honor he had ever held, and that this office was bestowed upon him with sincerity and love, and without any effort or solicitation on his part.

Regarding the calumny and detraction frequently leveled against him, as well as the Republican party, he gave characteristic expression on several occasions. In his Phoenixville speech he said of those possessed with such a distorted vision of public affairs:

It originated in the political miseries and personal malice of disappointed men formerly members of the Republican party. The Democracy, hopeless of unaided success and utterly forgetful of the resulting demoralization to its organization, took them to its bosom, warmed their sickly vitality, and set them to work in its vineyard.

I have large charity for disappointed ambition—

"The blood will follow where the knife is driven,
The flesh will quiver when the pincers tear,"

and the wounds but half heal, and sometimes gangrene. Then the blood is poisoned and the senses are numbed, and to the victim all nature seems changed. He looks at the world through smoked glass. He has evil dreams, and talks in his sleep. Hope deferred becomes hopelessness. He assumes a monkish austerity, announces himself as a man with a mission, purified in the crucible of adversity, with a God-given errand to inform the people of the evils from which they are ignorantly suffering and lead them to redress. Year after year, in instance after instance, this history repeats itself.

Further on in the same speech Mr. QUAY said:

No patriotic citizen of any party can have any sympathy with that hypocrisy which finds it necessary for its own preference to smirch the fair fame of his State, nor with the malignity which can find in political conditions only rottenness on which to feed and over which to croak.

In the same connection Senator QUAY said, in a speech delivered at Lewisburg in the same campaign:

You can always measure the honesty and sincerity of a man by the assiduity with which he goes about the world traducing the honesty and sincerity of his fellow-men. * * * These are the men who make reform impossible. Reform is as natural as human progress, and the terms are synonymous, but when false apostles of reform erect altars where knaves minister and fools kneel, as in Pennsylvania at present, progress and reform are alike retarded.

Again, in his speech at Altoona, he says:

Reform is a catching cry. It cozens alike babes, sucklings, and grown men. It is human to err and human to believe our fellow-men erring, and ourselves their God-appointed critics and guardians. Also, it is solacing to self-love and vanity to proclaim the shortcomings of the world, for this is in a manner an assertion of our superiority to common humanity, and a parade of our perfection. We say to our fellows: "Behold, I am holier than thou."

It is natural that there should be a desire for a monopoly of self-glorification, and, therefore, not surprising that I should be assailed for insincerity when in a mild way I make mention of measures that occur to me for the public good. I regret to interfere with the business of the professional reformers, and apologize.

He deprecated the fashion existing in many quarters to decry the malfeasance and abuses alleged to exist in Pennsylvania, and he had a just pride in the splendid record of the State in the legislation of which he had been a guiding and an active participant for so many years.

Pennsylvania has always been preeminent in its provision for public education. The public-school system was established early in the history of the State under the leadership of Thaddeus Stevens, and the State has with every year made increasing provision for the support and the betterment of public education. The constitution of the State requires that a minimum amount of \$1,000,000 shall be annually appropriated for the support of the common schools. For many years this has been greatly exceeded, until at the present time the State of Pennsylvania appropriates more money for the support of the common schools, orphans' schools, the normal schools, the county superintendents, and the department of public instruction, or, in other words, for educational purposes, than any other State in the Union, in the actual amount, and a much larger percentage of the total revenue than any other State, over 64 per cent of the total revenues of the State of Pennsylvania being devoted to educational purposes.

The tax system of Pennsylvania is looked upon by students of taxation and political economy as being a model system of State taxation. As the result of continued agitation in the State on the part of tax reformers and the various associations of

grangers and other agricultural bodies, there has resulted legislative enactments which, with the judicial decisions which have settled their disputed points, extending over several years, have finally come to constitute a remarkable and highly satisfactory system of taxation and revenue. The burdens of State taxation have been entirely lifted from the shoulders of the individual and placed exclusively upon the corporations of the Commonwealth. There is a complete exemption of real estate from taxation for State purposes, and the individual citizen in Pennsylvania is not called upon to contribute one penny to the support of the State government, by any form of direct taxation, with the exception of the insignificant part of the State revenues raised by tax on money at interest. Moreover, a considerable part of the taxes collected by the State are returned to the counties for local purposes, in order to relieve local taxation, so that there is not a single county in Pennsylvania save one—the county of Philadelphia—which does not get directly from the State treasury more money than the State collects from all its citizens by direct taxation, and there are only two counties in the State—Allegheny and Philadelphia—which do not get back from the State treasury for common-school purposes alone more money than their citizens pay into the State treasury. The largest excess of money repaid to counties goes naturally to the least wealthy counties, having the smallest proportion of property subject to State tax in relation to their population. The effect of this system is, of course, to lessen the burden of local taxation in the counties the people of which are least able to bear such burdens. In other words, under the State tax laws enacted in Pennsylvania the corporations pay the entire expenses of carrying on the State government, and pay a very large amount in addition into the State treasury, which is returned to the counties for the sake of lightening local taxation. No financial institution in this or any other country can show as good a record in the handling of vast sums of money as the treasury of the State of Pennsylvania. In the history of the management of the State finances the remarkable fact is exhibited that not one dollar has ever been lost to the State as the result of malfeasance in office, and not one penny has ever been lost for any other cause unless, perhaps, we except a small item of about \$9,000, which, in 1840, became involved in litigation as the result of the failure of a bank depository. Since 1873 over \$25,000,000 of the State debt have been paid off, and with the securities now in the sinking fund, the State of Pennsylvania is practically free of debt.

Senator QUAY said in his Phoenixville speech:

In Pottstown the other night the slogan was "good government." Pennsylvania was declared a misgoverned State and a debauched and plundered State. Good government is to take taxes from the shoulders of the ill-paid agricultural interests and place it upon corporations and owners of stocks and moneys at interest. Good government is to increase the annual school appropriation within ten years from one million to five millions, and to stud our Commonwealth with institutions of learning. Good government is to pay a debt of forty millions of dollars in thirty years without oppressing our people, and, at the same time, to spend millions in the care of our criminal and insane populations, soldiers, orphans schools and universities, and general public charities. Good government is to erect a citizen soldiery which can be thrown to any point in the Commonwealth to sustain outraged law at twenty-four hours' notice, and which can furnish 15,000 bayonets for the United States service on call.

Mr. QUAY was married in 1855 to Agnes Barclay, daughter of John Barclay, by his wife Elizabeth Shanner, her parents being native Pennsylvanians of Scotch-Irish extraction. He was survived by five children by this marriage. His home and his family called out his strongest affections. He possessed the loyal love of his children and received from his wife heroic devotion.

In a speech at Altoona Senator QUAY voiced his feelings during the last two years of his life, when he said:

It is a long time since I was first here, and many of your grand men I have known since then have gone to the land from which no traveler returns. * * * They have passed away, and among their successors I feel like a dying oak among healthy saplings.

Mr. QUAY said of himself in an address to the State League of Republican Clubs, delivered May 14, 1901:

At three score years and ten the world grows lonely. Through wildernesses, almost desolate, the stream of life glides darkly toward the eternal gulf. The associations of early existence are gone. Its objects are gained or lost, or faded in importance, and there is a disconnection with ideas once clamped about the reason, and dissolution of feelings once melting the heart. Occasions like the present stand in pleasant relief—green patches on a sandy delta—and are especially attractive and welcome. Fully recognizing that your tribute is not personal, but attaches to the high office with which the Republicans of Pennsylvania have honored me, I thank you.

My political race is run. It is not to be understood that God's sword is drawn immediately against my life, or that my seat in the Senate is to be prematurely vacated, but that with the subscription of my official oath on the 18th of January my connection with the serious labors and responsibilities of active politics ceased, except in so far as I may be committed to certain measures pending in the present legislature.

I will never again be a candidate for or accept any official position. I have many friends to remember, I have no enemies to punish. In this regard I put aside the past.

His illness began about a year before his death. For a time he seemed to improve, and gave much of his time to outdoor exercise. Never a strong man physically, he prided himself on his endurance and believed that outdoor life would restore him to health and give him years of life. He began to lose flesh gradually, his stomach refused to assimilate food, and increasing weakness followed. He gradually came to expect death, and although he entertained the hope that he might possibly recover, no relief came, and the sapping of his vitality continued. He at last removed to his home in Beaver, which he never again left. He showed great stoicism in his last illness. Coolly and firmly he took leave of earthly things. On the Thursday before his death he asked to be taken to his famous library, remarking to his attendants, "I want to see my books once more before I die."

His mind remained bright and active to the last. Of his political contests he said that he had nothing to regret, and that he did not think he would have fought them over again on any different lines of battle. He joked grimly at times, and was always cheerful in his conversation.

He directed that the pallbearers at his funeral should only consist of those who had had peculiar, intimate, personal association with him, and that no one should be invited merely on account of prominence or wealth. Almost the last request he made before his death was that there should be placed upon his tomb the inscription, "Implora Pacem" (pray for peace).

The serenity with which he met his death was the best refutation of the calumny he encountered through life.

Mr. SCOTT. Mr. President, the six years of a Senator's term in this body are made up of many days. But how few and short this time appears on such an occasion as this. Fighting for his right to a seat in this Senate, MATTHEW STANLEY QUAY was one of the first to greet me and bid me welcome when my State honored me by sending me here. It was the renewal of a friendship begun years before, and the warm greeting was especially gratifying then. Now, after only a few brief years I must add my word of tribute to his memory.

With the passing on of Senator QUAY there departed from scenes of earthly activity a great political leader, a scholar, a soldier, and a statesman. For nearly half a century he had been before the public, and this period, beginning with the war of the rebellion, has been full to the brim with great events. He early mingled with men who became famous in the nation's history. His career kept him in touch with them, and his influence grew until it extended beyond the lines of his own State. He was modest and retiring; cared nothing for popular applause, and seldom spoke on the floor of the Senate. A man of more than ordinary ability, silent but determined, he was a leader of men and a director of public opinion.

Well do I remember my first intimate acquaintance with him. It was during the campaign of 1888, when, as the first Administration of President Cleveland was drawing to a close, the Republican party was striving to elect General Harrison, of Indiana. Still staggering from the first defeat in thirty years, the party was not in the best possible condition to win. The members of the national committee had met; the executive committee to handle the affairs of the campaign had been chosen, and Mr. QUAY was in the saddle. Silent, but cautious; alert and active, but above all full of confidence, he soon had us all eager and anxious for the fray. The result of that campaign is known to all men, and it was in these months of close confidence that I learned to appreciate and admire his genius for leading and directing. Again in 1896 I was even more intimately associated than before with him in our effort to elect William McKinley. He spent a large portion of the time of that campaign with us at headquarters in New York, and my feelings of respect and admiration were only increased by this association. Then came his welcome to me to the Senate and my close friendship with him since.

Other friends will go more especially into the details of his life; friends who were more intimately associated with him during the days of his tribulations and his success. But the life of a great man, of a public character, is an example to his fellow-citizens, and I will be pardoned if I refer briefly to his early surroundings in order to show the elements which made him great.

A Pennsylvanian by birth, Mr. QUAY boasted of the fact that Pennsylvanian blood two centuries old ran in his veins. A grandfather, as a young man, fought in the war of the Revolution and was still young enough to shoulder a musket in the war of 1812. The son of a Presbyterian minister, he was reared

surrounded by influences which undoubtedly made him what he was. The life of a minister in the early part of the last century was not one of ease and luxury. After an education had been given the children, the fathers and mothers of those days had usually done all that could be done for their families. But the influence of his home, and of his mother especially, was impressed upon his character perhaps more forcibly than is usual under such circumstances. Trained to self-reliance from his childhood, after leaving college at the age of 17 the lust of wandering was in his blood, and had it not been for the influence of his mother his future career might have been most radically changed. It was owing to her advice that, after a brief period passed in Texas and Louisiana, he came home to Beaver Falls, Pa., and there began the political life which was to last half a century.

It is very remarkable that, even at the early age of 21, he had such a hold on the affections of his neighbors that he could be elected to one of the best offices in the gift of his county. This quality of holding friends remained with him through all his life, and there was scarcely a time when he aspired to an office or a position that he was not able to succeed. Once I asked him the secret of his success, how it was that he was able to retain so large a following of people in his own State for so many years. His reply was that when he first started in political life he made it a rule to be as truthful and straightforward in a political transaction as in a business affair; that he never made a promise he did not feel he would be able to carry out; and having once made it, he bent his whole energies to keep his word and remain true to his friends. To the strict observance of this rule he attributed all his success.

But Mr. QUAY was born and came to early manhood when opportunities were ripe for those who sought them. Four years' wandering in the South had given him an insight into the southern view of the political question which was then agitating and bade fair to divide this country. The trained mind of the young student saw most clearly the outcome, and when the war came he was fully prepared and could look ahead and see that the end was far in the future. He knew it was no holiday period, but was to be a bitter and a stubborn conflict. Unexceptionally equipped in this way he threw all his energies into the election of the famous "war governor" of Pennsylvania, in the days of Lincoln, Douglas, and Breckinridge, and, as a result, when the rupture came he was in a position to accept any responsibility that his ambition might demand. That his ambition was a worthy one and gloriously fulfilled is a matter of history. As a young lieutenant, as a colonel, as military secretary to the governor of his State, as military agent for his State at the nation's capital, he performed most valiant service to the Union. Physically weak then, as he always was through his life, he yet possessed a soul full of courage and daring. At the battle of Gettysburg he insisted on serving as a volunteer, when just before this date he had resigned from the command of his regiment and been ordered home on account of illness. The surgeons told him that it meant death, and his only reply was that he preferred death on the battlefield to life as a coward. This is only one instance of the indomitable spirit of the man, always aiming for high attainments, and in this case, as in others, the reward was equal to his deserts, for Congress presented him with a medal of honor. With four years of such service, with four years of such courage, with four years of such experience, it is not to be wondered that the coming of peace found him one of the best equipped and one of the most promising young men of the great Keystone State.

Reared in the atmosphere of a minister's home of the early thirties or forties of the nineteenth century, under the old doctrine that "children should be seen but not heard," with a further experience in the greatest war of modern times, where he was trained to obey orders without asking questions, it is not strange that he began his renewed political life thoroughly imbued with the absolute necessity of saying as few words as possible.

He was known as "The Silent Leader," and as such he lived through his life of usefulness to the end. Delegations of admiring friends, political leaders from all over the country, and newspaper men might all visit him and strive to find out his details of campaign, but all were unsuccessful. "In the solitude of his own originality" he mapped out his plans of battle and carried them to successful issue. Yet in affairs of State he fought in the open, and it was not necessary for those who sought to know his position on matters of public policy to hunt him with a dark lantern. On these subjects he was always open and frank.

That a man of such positive character should have many friends and many enemies goes almost without the saying. His friends were the kind who would follow him to the death. His

enemies and traducers were many. The calumnies that were heaped upon him by them were numerous and bitter. But through it all he lived to prove that his character could not be tarnished or affected by false accusations. Such a life, such a character, such achievements were the result of the conditions by which he was surrounded, and of the atmosphere of his early home. America only can produce such men.

To-day we turn aside from the usual busy routine of life to speak of him, our colleague, who only a brief year ago sat here in this Chamber lending us the aid of his wisdom and splendid intellect. We miss him for these qualities, but, above all, his friends miss him for his lovable personality. He is not forgotten by those of us who knew him and who loved him. True to his friends, they who knew him best mourn him most, and with pleasant memories bid him, not "good-by," but "good-night." His, like the lives of all great men, has left behind it "footprints on the sands of time" which will not soon be erased.

Mr. GALLINGER. Mr. President, there is a popular impression that because the Senate of the United States is a continuing body the changes in its membership are few and at long intervals, but such is not the case; indeed, the changes are so frequent as to startle one when the fact is contemplated. At the end of a little less than fourteen years of membership in this body I find myself the fifteenth Senator in length of continuous service, and on the 4th day of next March three of those who are now my seniors will retire. Death has done its full part in accomplishing this result. During that time twenty-two Senators have died in service, they being Preston B. Plumb, of Kansas; John S. Barbour, of Virginia; Randall L. Gibson, of Louisiana; John E. Kenna, of West Virginia; Leland Stanford, of California; Alfred H. Colquitt, of Georgia; Zebulon B. Vance, of North Carolina; Francis B. Stockbridge, of Michigan; Isham G. Harris, of Tennessee; James Z. George, of Mississippi; James H. Earle, of South Carolina; Edward C. Walthall, of Mississippi; Justin S. Morrill, of Vermont; Monroe L. Hayward, of Nebraska; John H. Gear of Iowa; Cushman K. Davis, of Minnesota; James H. Kyle, of South Dakota; William J. Sewell, of New Jersey; James McMillan, of Michigan; Marcus A. Hanna, of Ohio; Matthew S. Quay, of Pennsylvania, and George F. Hoar, of Massachusetts. In addition twenty-five Senators with whom I have served have died since retiring from the Senate, included in the list being such men as John Sherman, of Ohio; Daniel W. Voorhees, of Indiana; John M. Palmer, of Illinois; Stephen M. White, of California; John B. Gordon, of Georgia; Henry L. Dawes, of Massachusetts; George G. Vest, of Missouri; Joseph N. Dolph, of Oregon; Richard Coke, of Texas, and Philetus Sawyer, of Wisconsin. Truly, the angel of death has been busy in our midst during those years, admonishing us of the fact that man's days are numbered, and that, as the Scriptures express it, "They are passed away as the swift ships; as the eagle that hasteth to the prey."

When I first came to the Senate it was my privilege to be assigned to a committee of which MATTHEW S. QUAY was a member, and in that way I came to know and to admire the man. As the years passed our friendship ripened, and I learned to regard him as an able, scholarly gentleman, devoted to the service of his State and country. He was industrious and methodical, always keeping well in hand the multitudinous duties that come to a Senator from a great State like Pennsylvania. It has been said that fidelity in small things is at the base of every great achievement, and it seemed to me that this accounted in a great degree for Senator QUAY's success. He knew the people of his State, and kept in close touch with all classes. Their requests were promptly and cheerfully complied with, nothing being too trivial for consideration on his part, and in return he had the confidence and trust of the great mass of his constituents. He looked carefully after details, and in an unostentatious way did thousands of little kindnesses that the world knew not of. He exemplified the truth of Wordsworth's words—

That best portion of a good man's life,
His little, nameless, unremembered acts
Of kindness and of love.

Such was the man as I knew him. True, he was a politician, and his life was a stormy and eventful one. In his long public career he encountered the hostility of powerful influences, and his enemies sought to destroy him by every means in their power. But amid it all he was calm, patient, and determined, serene in the knowledge that the people of his State supported and indorsed him. In due time the bitter and unrelenting opposition to Senator QUAY became powerful enough to prevent his reelection to the Senate, notwithstanding the legislature was strongly Republican and he was the choice of a large majority of his party. The struggle was a notable one, resulting in his

defeat and leaving a vacancy in the Senate. Senator QUAY was appointed by the governor to fill the vacancy, and the contest was transferred to this body, where there was a wide difference of opinion as to the constitutional right of the governor to appoint under the circumstances. It early became apparent that the vote would be close, but knowing that I had in former cases taken strong ground against the right of appointment under similar conditions Senator QUAY did not solicit my support, and I spoke and voted against him. My vote would have given him the seat, and naturally I suspected that he might show some resentment. Subsequently he was elected, and when he took his seat he found occasion to say that holding the opinions I did my action was entirely consistent and proper, and that he could find no fault whatever with it. That was characteristic of the man, and the incident strengthened my affection for him.

Senator QUAY was a scholar and a student. He had a choice library, and his books were his constant companions. His knowledge was broad and comprehensive, his ideas well matured, and his conclusions on important matters worked out with a care and precision that made his advocacy of any cause quite potential. We all remember, in the last Congress, at a time when a fatal disease was doing its deadly work, how earnestly he labored for the passage of the statehood bill and how philosophically he accepted defeat when it became evident that a vote could not be secured. I know that it was a grievous disappointment to him, but he had fully learned the lesson of bowing to the inevitable, and he accepted the result without fault-finding or bitterness.

Senator QUAY had a kind heart, and his sympathies went out to the poor and afflicted of earth. His interest in the Indian tribes of the country was sublime. One of the last services he performed in the Senate was to make a touching and powerful appeal in support of some matter of legislation that affected the interests of certain Indians. His intimate knowledge of the legislation of Congress regarding the Indian tribes enabled him to speak with authority, and his appeals in their behalf were rarely ever in vain.

Senator QUAY was a modest man. He never boasted of his achievements. A brave and distinguished soldier, he rarely ever mentioned the fact that he had served in the Army. The idol of his State, he bore his honors with becoming humility. Perhaps the greatest political general of his day, he seldom, if ever, alluded to his triumphs in the field of practical politics. Quiet, retiring, and undemonstrative, he did his daily work without the noise and bluster that smaller men sometimes employ to attract attention to their importance. Thus he lived and thus he died, true to his convictions and true to his friends—a man of indomitable will, of resolute purpose, and of tremendous force of character. He did not escape calumny and invective, but amid all the storms of abuse and villification that burst upon him he marched quietly on, conscious of the fact that the people of his State would uphold and vindicate him, as they never failed to do. Perfect he was not, and perfection he did not claim, but those of us who knew him well estimated him at his true worth, and were proud of his friendship.

Mr. President, the chances are that no man in our whole public life was ever so abused as was Senator QUAY, a portion of the public press following him, with bitter denunciation, to his grave, even disturbing the fresh covering of his last resting place. Forgetting the philosophy of Elbert Hubbard, that "if love is life and hate is death, how can spite benefit?" every slander that had been uttered against him was revived and amplified after his life had ebbed away. Ignoring the fact that—

No man can save his brother's soul,
Nor pay his brother's debt,

and forgetting the teachings of Him who in His own life illustrated the blessed doctrine of love and forgiveness, he was pursued to his grave with a vindictiveness and bitterness seldom paralleled in our history. But notwithstanding that, the people of his State and the men with whom he served in this body will not soon forget his virtues, nor fail to give honor to his memory.

Senator QUAY knew and experienced a full modicum of the labors and anxieties that come to all men in public life who faithfully look after the interests of their constituents. He was literally worn out in the public service, and when his strength failed and his eyes grew dim it could well be said of him:

Gone past the fret and fever of life;
All his songs have been sung,
And his words have been said;
And if bitterness lived in his soul once, or strife,
They now are dead.

Mr. McLAURIN. Mr. President, between the two dates of birth and death the history of the man is made. Every man has the making of, and makes, his own history. How that life's his-

tory is written is usually left to others. It is not only fitting, therefore, but it is due that those cognizant of the things which give the character of the man should bear testimony to such things when he has departed. Hence the appropriateness of this memorial day to commemorate the traits of character that endeared Senator MATTHEW STANLEY QUAY to his friends, and the deeds and words that made him famous. I venture only a few words of mine to this pleasant, while sad, duty.

I met Senator QUAY first in February, 1894, either on the day I first entered the Senate, February 15, 1894, or a few days thereafter. I thought I knew him before I ever met him. After meeting him I found that I had been correct in that opinion. I had entertained of him the opinion that he was a man of unflinching loyalty to his friends and unwavering fidelity to friendship. Upon meeting and knowing him I found that this opinion was true. That admirable trait of character was broadened by another—that he never forgot or forfeited his obligation. If he promised, his performance was sure. No one who knew him wanted any further assurance. "His word was his bond." No bond could make it surer.

Senator QUAY at one time resided in the State of Mississippi, the State of my nativity, and of which I have been all my life a citizen. Just after his graduation at college he visited in Mississippi the home of his college mate, classmate, and chum. This was before the war, when the people of Mississippi were among the wealthiest of the land. His host was a wealthy man and insisted that Mr. QUAY should remain his guest while teaching school in the neighborhood, which he did for several years. He was invited to make the home of his classmate and chum his own home, and enjoyed its hospitalities during his residence in the State of Mississippi.

Before the war he returned to his native State, Pennsylvania, and engaged on the northern side in that struggle. After the war was over and his Mississippi friends had become impoverished by its results, he sought them out to ascertain their financial condition, and when he himself reached a position where he could aid them in securing positions of employment from which they could earn a livelihood he did so, and thus earned the gratitude of a large number of the people of Mississippi.

His friendship was so warm and his loyalty to friends so strong that on one occasion he threatened to break with the leader of his party unless he should appoint the widow of the man, although of different politics from himself, who had befriended him in Mississippi, to a position from which she could earn a livelihood. I recur to these incidents to give you some idea of the character of Senator QUAY.

Senator QUAY was an unpretentious man, unostentatious, a man of great thinking power and of great will power, a man who gave close attention to the details of every business which he had in hand.

I have observed him in his place in the Senate sitting for what seemed hours scarcely changing his posture, apparently in deep thought over some problem of politics or state. In this respect he and Senator Vest, who was his close personal friend, very much reminded me of each other.

Senator QUAY did not speak often or much in the Senate, but what he said was clear and to the point. When he did speak he usually spoke for immediate and substantial effect. He did not essay to be a leader of his party, but leadership of his party essayed to be QUAY. His last effort in the Senate was to procure the passage of an act to admit the four existing Territories into the Union as four separate States on an equal footing with the States now composing the Union. His heart was set upon the accomplishment of this work, and by common and tacit consent he was accepted as leader in this movement by Senators who shared in this desire. His work was characteristic of him. He went directly at it; and though his health was weak and failing he never faltered. His superb leadership in this effort was recognized by his coadjutors and opponents, and he needed but an opportunity to vote on the measure to achieve success, an opportunity which the shortness of the session thwarted.

Senator QUAY was gentle to his friends and courteous to all. I will not consume more of the time of this memorial service. I did not rise to make a speech, but, as Senator QUAY was my friend, I embraced this occasion to record my testimony to his merits and my sorrow at his death.

Mr. HANSBROUGH. Mr. President, in a most interesting and carefully prepared biography occurred the following concise paragraph, showing the pronounced mental qualities in the late Senator QUAY:

In Beaver they say of MATTHEW STANLEY QUAY that his chief characteristic was will power; the second, infinite patience and genius for details; the third, a great power to compromise differences in his party; the fourth, to keep his word; the fifth, to be silent and study his

books—when there was nothing else to do, for he was a great reader of books. His home in Beaver was that of the student and scholar.

Here, Mr. President, we have in a terse form the distinguishing traits in the life of a man born to lead—the characteristics which lie at the very bottom of practical statesmanship, for it was in leadership and statecraft that he excelled. Against the results which he accomplished along these parallel lines of conspicuous talents the detractions contrived by acrimonious critics, the false accusations concocted by jealous rivals, can not endure.

My personal acquaintance with Mr. QUAY extended over a period of about sixteen years. I first saw him at a national convention standing in a chair looking over the sea of faces, but more particularly into the faces of the Pennsylvania delegation as they answered to their names on a roll call. The delegation was being polled on an important vote by yeas and nays. In the process one delegate violated the instructions of the State convention that elected him, whereupon Mr. QUAY calmly warned the recalcitrant that he would not go to another convention, and he never did.

Mr. QUAY was a firm believer in party organization based upon the will of the party majority. Possessing a rare genius as an organizer—able, tactful, courageous, frank, and truthful, always considerate of predominant public opinion, which he seldom failed to measure with accuracy—we can easily understand how for years he maintained supremacy in the great Keystone State, and why his advice and suggestions were so highly valued by those whom he assisted in formulating party policies in the nation.

As a convention manager he had no superior. His strength in this regard was grounded in a phenomenal knowledge of men. Human ambitions, as evinced in politics, were to him as the keyboard of a grand piano to Paderewski. Did he play upon the controlling motives of ambitious men? Undoubtedly so, yet not in the sense of trifling with them, but rather with the solemn purpose and the fruitful result of bringing them into harmonious accord. Invariably, the best parliamentarians, without knowing by whom they had been selected, wielded the gavel. The orators were always heard each in his respective rôle. Vital motions came somehow and at the opportune time from the right delegate in the most important delegation; and when the convention had adjourned the rank and file applauded and commended its work, for it was at once apparent that the strongest and most available men in the party had been nominated. Almost before the tumult of the great gathering had ceased the modest political philosopher, out of whose brain the result had been achieved, was complacently dallying with the fishes of the lakes among the cooling woods of Maine, evolving the plans for final victory in November.

Party history will justify the assertion so often made that Republicans owed their success in 1888 to the superb management, the invincible skill, of Mr. QUAY. Only the unfortunate physical condition of the Presidential candidate he favored at the Minneapolis convention prevented a Republican victory in 1892. Many instances of this character, showing his superior abilities in the field of partisan politics, might be cited. For his worth in this regard he was admired by a wide host of party friends as well as by a multitude of men who did not agree with him in matters of political principle. By a few individuals, whom it is unnecessary to classify, he was misrepresented, maligned, and caricatured until thoughtless people—those with superficial minds, without knowing or caring to know anything about the real facts, strangers to the warm, manly impulses of his patriotic heart—came to speak lightly and disrespectfully of him, because he did not subscribe to the impracticable things that delighted their theoretical souls. To such as these, party organizations are hideous nightmares. I speak now in the presence of a distinguished assemblage of men who came to the position they occupy here through the machinery of party politics. This is none the less true of our predecessors and our legislative colleagues at the other end of the Capitol. It will be true as to our and their successors. It has been so as to all our Presidents. Underlying and serving as the motive power of this machinery are certain fixed political principles, and yet no man who has succeeded to place through the agency of this machinery can justly rest his claim to distinction wholly upon his adherence to party tenets, entirely apart from the influences which hold party organizations together. When a man proclaims that he will accept an office if it comes to him unencumbered by pledge or promise, the world applauds, as it has a right to do, for here is a hero, self-crowned though he be. And yet this is but another way which this exceptional candidate has adopted of saying that he is "in the hands of his friends." Who are these friends? None other than those who must organize for success, and this organization is the party machine, no worse perhaps, and surely no better than the one that pre-

ceded it. But, while party organization endures, dyspeptics and misanthropes will complain about what they offensively term the "machine," and how true it is that—

On eagle's wings immortal scandals fly,
While virtuous actions are but born and die.

Mr. QUAY rarely indulged in speechmaking. He belonged to that class of men, small in number though distinguished in deeds, who proceed upon the theory that in silence there is wisdom. It was in action that he was strongest. And yet, where speech became a prerequisite to action, he did not fail. His public utterances during all the years he was a member of this body cover but few pages of the RECORD. Yet in that time no great questions were determined without the aid of his advice. During the period of his political activity he labored incessantly for the success of the party in whose principles he believed, and in his own State his leadership, never successfully challenged, was acquiesced in and encouraged by the many distinguished men whose combined wisdom has brought renown to Pennsylvania. His title to the place of leader in his own State can be easily traced. It was based upon a complete knowledge of public affairs and a simple purpose to better the condition and promote the happiness of a vast constituency. We find evidence of this fact in an address delivered by Mr. QUAY to the State League of Republican Clubs, May 14, 1901, at Philadelphia, in the course of which he said:

Ever since the Republican party came into power the State government has been wisely and economically administered—administered, indeed, with an economy which, in view of our population, wealth, territory, multiplied industries, manufactures, mines, oil production, railroads, and canals, seems almost parsimony.

When the Republican party came into power in Pennsylvania the State debt approximated \$40,000,000; now it is less than \$1,000,000. Then the annual interest charge was twice the amount of the total debt and annual interest to-day. Then all lands were taxed for State purposes; now they are exempt. Then horses, cattle, carriages, watches, occupations, and professions were taxed for State purposes; now they are exempt, and in the meantime \$10,500,000 have been spent upon schools for soldiers' orphans. These taxes repealed have not been replaced by any tax upon individuals.

In the meantime the annual appropriation for common schools has been increased from \$300,000 to \$5,500,000. Since then the large revenues derived from liquor licenses have been diverted almost entirely from the State to the treasuries of the counties and municipalities. Then each county was compelled to maintain its own indigent insane; now the State bears half the burden. The repealed taxes have been made up by the revenues derived from moneys at interest, three-fourths of which is returned to the counties, and by imposing additional burdens upon corporations. It is proper also to allude to the fact that when the Republican party came into power laws for the protection of labor were almost unknown. Now their catalogue is too long for quotation.

Mr. President, to have been, during most of the period in which these important events occurred, the leader of a political organization so closely identified in policy and aspiration with them is a sufficient and a lasting monument to any man.

Mr. STEWART. Mr. President, MATTHEW STANLEY QUAY was a marked character. He excelled in those qualities which challenge admiration and inspire love and affection. He was continuously elevated by the votes of the people to prominent places in the great State of Pennsylvania for more than half a century. He was a friend of the people, and in return the people were his friends. He entered without flinching into many contests with the most formidable political combinations in his State. He was fearless in his contentions against wrong; he was generous and kindly in his intercourse with the weak. Although I knew he was a dominant force in Pennsylvania, my personal acquaintance with him commenced after he became United States Senator in 1887. We were both members of the Committee on Claims. He displayed remarkable patience, industry, and an intuitive sense of justice without the slightest egotism or self-assertion.

I soon found that he was a man of remarkable will power; that he was continually doing things. Although a scholar and a master of the English language, he never attempted to gain reputation by saying things. He wrote to express ideas and not for the purpose of dazzling the public with literary rainbows.

During the first session of Congress in which we served together I met a poorly clad, sickly old woman selling flowers. Her distressed condition attracted my attention. I stopped and gave her a quarter of a dollar. She said to me:

"You are good; you are almost as good as that man over there," pointing to Senator QUAY, who was walking on the opposite side of the street. I inquired of her: "What did he do for you?" She replied: "He gives me a little money every time he comes along, and if it had not been for him I should have starved to death. I pray for him every night."

This little instance gave me some insight into the character of Senator QUAY. There was hardly a month during the time he was in the Senate that I did not learn from the poor and distressed of similar charities by him. What he did in that line,

however, was known only to himself and the objects of his charity. His sympathy for the suffering of others and his kind consideration for the common people furnish a key to his hold on the affections of the people of Pennsylvania. Men may ride into power on account of political organization, personal wealth, or powerful associations, but the man who is kept in public place by the votes of the people without artificial aids for more than a generation must be in sympathy with the masses. That mutual love and affection which bind the people to a great character and hold them to him during a half century is the highest evidence that can exist of his real worth. The ambition of the great men of Pennsylvania, the power of wealth, of organization and combination, all conspired in vain to alienate the affection of the people of Pennsylvania for him or break down his indomitable will. Sometimes it seemed to the outside world that he was overthrown and destroyed, but in the following campaign Mr. QUAY was invariably found in the lead. The effort to defeat him for the Senate in his last campaign appeared to have exhausted the force of all opposition to him. I am informed on good authority that it was conceded before his death that if he had lived a few months longer he would have been returned to the United States Senate without opposition from any source.

Mr. QUAY was not only great in his own State, but he was a national character. The part he acted in national politics, not only in leading the Pennsylvania delegation at many national conventions, but in the consummate management of the Harrison campaign, gave him the first place among the brilliant leaders of political forces in the United States.

Senator QUAY was eminently a domestic man. His home was a model for American families. Undoubtedly much of the strength and fortitude which he exhibited in his contests with the political giants of his time had their origin in the surroundings of his happy home. His loving wife and devoted children made that home a place of rest and recuperation and enabled him to meet each coming contest with renewed vigor of body and mind. Everyone who visited his house and saw him surrounded in his library by his loving family was struck with the contrast between what he really was and what jealous rivalry had painted him to be.

Senator QUAY was intensely American. His views were progressive and he devoted himself to the utmost of his power to build up the industries of his State and the whole country. Business men everywhere trusted him and recognized in him a great and reliable force in protecting and building up the material interests of the country.

He did not pretend to be better than he was. Although he was a great student of religious books he never sought to achieve popularity by ostentatious display of the emblems of piety. All religious denominations trusted his impartial judgment and had confidence that their rights would be respected by him.

His great and commanding leadership in the Republican party did not prejudice him against men of the opposition. Although a soldier and an ardent Union man during the civil war, he recognized the sturdy manhood and daring chivalry of the men of the South. His friendships were not bound by sectional lines. The brotherly love between him and many of the prominent leaders of the armies of the South distinguished him as fully capable of discriminating between personal relations and national policies. If there were enough MATTHEW STANLEY QUAYS in the world the nations would understand each other better and the longing for universal peace might be gratified.

Pennsylvania has produced many great men, but it is doubtful if any of her sons has or will excel MATTHEW STANLEY QUAY in those qualities of head and heart which men love and respect. His keen intellect and irresistible will were recognized throughout the whole country. His fidelity to truth and affection for the masses secured for him the devoted friendship of millions. He was true to every obligation of friendship; his word was as sacred as his life; friends and enemies alike bear testimony that a promise of Senator QUAY's could not be improved by the indorsement of friend or foe.

The Senate and the country mourn his loss. All sympathize with his bereaved family. The many good deeds that he performed, the good example that he has left, and the untarnished name that he has bequeathed to his descendants are legacies of greater value and more precious than wealth or rank could bestow.

Mr. DUBOIS. Mr. President, in the passing of Senator MATTHEW STANLEY QUAY from this Chamber and from this life the Senate and the nation are deprived of a strong character, one that withstood the battles of life nobly and well for the allotted period of threescore years and ten.

In the character of this Senator many traits of a peculiar, unusual, and commendable order were highly exemplified. His quiet removal calls instinctively to mind that a higher power easily does that which by harsh methods weak humanity attempts, but signally fails to accomplish. This great, rich life, which was offered up but a few months ago, was unusually full of fierce battle and fiery conquest. Senator QUAY loved his friends with a devotion seldom equaled by man, and he knew no limit in accomplishing for them that which they desired. He battled with his enemies with a relish as evident as though the obstacles crossed his pathway as a matter of course. He met opposition cheerfully and manfully, and invariably forced his opponents to admire his signal genius, usually emerging from the battle the stronger for the conflict. He was extremely modest in his demeanor, an everyday man, unemotional, and plain, and the story of the end of his life portrays that steadfast, innate trait so prominent in him to be always brave and face the inevitable as calmly as he had always theretofore faced the stern realities of his turbulent career.

Senator QUAY was a most striking character of the active, forceful, American type of men who are unswerving in the accomplishment of results, and who brush aside as of no moment all obstacles lying along their path. Even death itself had no terror for this brave and stoic nature. "Undaunted he lived, and undaunted he died." He was rich in many of the things that men of to-day so much need. Rich in strength, force, and courage; rich in wisdom and judgment, and rich in tact and in decision. Especially was he rich in his consistent devotion to his native Commonwealth, Pennsylvania. If he knew of any limit to the great resourcefulness of this, his native State, he passed it by and adored those things which she possessed in superabundance. In his speech at Phoenixville, Pa., some fifteen years ago, he made use of this beautiful tribute to Pennsylvania, after enumerating in detail many of its great diversified resources, which the sons and daughters of that early Quaker territory will be glad to hand down with no small degree of pride to the later generation of people who are to take up the battles of life where they fall. He said:

If this Union of States were dissolved, Pennsylvania could stand alone and be a nation unto herself.

And again, in the same speech, he displayed a degree of loyalty to Pennsylvania which his descendants will cherish for many generations, in the following words:

I am proud that there is not a drop of blood in my veins that is not Pennsylvania blood two centuries old; I thank God I am a Pennsylvanian.

No more striking evidence of his steadfastness of purpose was presented to me in his great life than in my association with him in our Senate Committee on Indian Affairs. He was as true a friend as the American Indian ever had. When importuned and labored with by persistent lobbyists to affect his action he never in all his connection with that committee lost sight for an instant of the Indian and his condition, his assets, and his ultimate welfare. In him the committee, the Senate, and the country had an able representative; but the red man had a benevolent friend and an able defender.

Whether or not the fact that the deceased Senator carried in his veins a small percentage of Delaware Indian blood, or whether or not he cherished the interesting recollections of his early ancestors, some of whom but a few generations since had more Indian blood than he, matters little. Albeit the fires of friendship toward them burned brightly, and the spirit of loyalty always unselfishly exhibited by him toward the Indian elicited my firm admiration and impresses me now with the signal wisdom of the Delaware Indians at their annual dance a year ago last Thanksgiving Day, which the deceased Senator attended, in electing him as war chief of their tribe, a distinction which came to him as a surprise, but which he held in very high appreciation.

While at this annual dance of the Delaware Indians, in 1903, some old Indian women made him presents of moccasins. The Senator gave each of them a present of \$50, and perhaps I would never have known anything about it if the old ladies themselves had not told it.

In one of his recent visits to Florida an old Seminole Indian who was sick was sent to the hospital by Senator QUAY, who paid the hospital charges and for the surgical operation necessary to be performed on him.

When Chief Joseph and his party of Nez Percé Indians from my State were in Washington, and had no money to take them home, Senator QUAY took them to the President and arrangements were made by which certain funds could be used to pay their expenses while here and their transportation home. Another Indian was in the party—John Hill—who could not be provided for in the same manner as Chief Joseph, owing to the

fact that he was not a Nez Percé. Senator QUAY offered to pay the expenses of Hill out of his own pocket, but Hill happened to have enough money to pay his own expenses and did not accept the help.

The foregoing are only a few of the many instances of this kind that I happen to know about.

I esteem it a high privilege to have served with him on this Indian Committee, and now that he is no more with us I know that his spirit is still in our deliberations there, and that his insistence for justice to these people influences us in the determination of the many perplexing questions which confront us.

As a friend he was always true; as an enemy he was always frank and generous. I doubt if anyone who has served his country in this Chamber for the last quarter of a century could accomplish as much purely through his personality as he.

He was always true and reliable. He was quick to give a promise, but never failed in its performance. He would make up his decision while the case was being stated and was ready with an answer. His answer was binding, and if the request was preferred by a friend was always a pledge of assistance, if there was not some reason which rendered his assistance impossible. In this case he frankly stated why he could not aid. His frankness and sincerity were his unique and wonderful charm and the source of his great power.

Senator QUAY was a student and possessed of much literary knowledge, and had a fine grasp of great problems of government. His advice was sought and followed by the great leaders of his party. I love to think of him, however, and shall always remember him, as an ideal of what a kind and sympathetic man and a true friend should be.

Mr. FAIRBANKS. Mr. President, we again pause to pay our tribute to the memory of a friend and coworker in the public service. As the years pass we are forcibly reminded of the frequency of this sad and loving office. If the roll of those who have laid down their earthly responsibilities during the comparatively few years of my presence in this exalted Chamber were to be called, it would be a long and notable one. Another name has been added to that distinguished list, and we are met to do it honor. Upon the morrow we shall meet to record the passing of some other coadjutor, but who it will be is known only to the All-wise. We know only this, and that is the harvest of death is unending.

Senator MATTHEW STANLEY QUAY was essentially self-made, as are those who most impress themselves upon their times. He was born to neither wealth nor station. He came from the modest home of a Presbyterian minister; a home pervaded by a generous, wholesome, religious, and patriotic spirit; a frugal home, where love of God, love of neighbor, and love of country was inculcated, where self-reliance was taught.

Senator QUAY was a political general of extraordinary capacity. He was one of the most masterful political leaders of his day. He was the undisputed leader of his party in the great State of Pennsylvania for more than a quarter of a century. He also held a place of commanding influence in the national councils of his party. He was once intrusted with the leadership of a national campaign. The result was success, due in large measure to his superb generalship. He was adroit in mapping out and executing his political campaigns. He drew about him men in whose loyal purpose he had faith and in whose capacity to execute his plans he had the utmost confidence. He exacted the most loyal allegiance and repaid devotion with his own fidelity. He was a man who had in full degree the faculty of making and holding friends. They stood by him under all conditions, in sunshine and in shadow. He verily bound them to him as with hoops of steel.

He was a man of rare self-control. Amidst the storm he was serene, moving with almost resistless power to the accomplishment of his purpose. He fought many sharply contested political battles. He received and gave many hard blows, and to some he seemed indifferent to criticism, but there were few men with more deeply sensitive natures than his. He had a heart which was easily touched. He cherished in full measure the good opinion of his fellows and was deeply grieved when he lost the approval of a friend.

Senator QUAY testified his loyalty to his country in that hour which put loyalty to the highest test. He was a believer in the virtue of our institutions, and when the National Union was in peril he promptly entered the military service of the Government. He met all of the arduous demands made upon him with intelligent and firm resolution. He demonstrated at all times his ability as an organizer. By gallantry displayed on the field of battle, he won and received from the Congress of the United States a medal of honor. There was no service which he was

not ready to render in behalf of his country and his countrymen. Wherever duty called he was ready to go.

I had but little personal acquaintance with Senator QUAY prior to my entrance to the Senate. I can never forget the kindly and helpful personal interest he manifested when I came here, unfamiliar with the important duties and the great responsibilities which rest upon a Senator. For years we were associated upon one of the most important committees of this Chamber, and in the consideration of the questions which came before it he was actuated by but one motive, and that was to promote in the fullest possible degree the public interest. He was inspired by no other thought in the discharge of his duties than the advancement of the welfare of his countrymen.

Senator QUAY rarely engaged in debate, but when he spoke, he spoke pointedly and clearly. He had the power of luminous and compact statement. His utterances were not embellished with those graces which the skilled orator employs to fascinate and fix the attention of his auditors. As a rule, he spoke only when necessity required, and in the discharge of some duty especially imposed upon him by his committee assignments.

He was diligent, painstaking, and earnest in his committee service, that service which is beyond the reach of the public eye, and which is so essential in the proper discharge of the business of this great body. No important measure promotive of the public welfare stands to his personal credit, yet he contributed his full share to the enactment of laws and the establishment of policies which conserve the public interest. Legislation and public policies are largely the fruit of many minds, the composite reflection and mature judgment of many statesmen cooperating to a common end. He made his just contribution to the measures which engaged the attention of the Senate during his membership here.

His most distinctive and effective service was in behalf of the protective tariff. Representing a State vitally interested in protection, he became an intelligent student and effective advocate of that great economic policy. He made himself one of the masters of the subject, particularly as it bore upon the manifold interests of his Commonwealth.

He was a man of fine literary tastes. He was a lover of good books and made himself familiar with them. The atmosphere of the library was congenial to him. His books were his chiefest companions and he loved to dwell in their fellowship. But a few days before the final summons came he requested to be taken into his library for the last time. His wish was granted and he glanced through the choicest volumes and parted with them as with friends of many years.

Mr. President, our friend has left us a legacy of many kind and generous deeds, which we shall hold forever in grateful remembrance.

Mr. FORAKER. Mr. President, it is difficult to speak satisfactorily about Senator QUAY. Pretty nearly everybody knew him in a general way, but hardly anybody, so far as my knowledge goes, knew him intimately. He was a unique and much misunderstood personality, who had all kinds of experiences in his public career. He had unusual success, but it was attended with some of the sorest and severest trials. He had legions of friends and devoted supporters and admirers, but he also had bitter enemies, who unrelentingly opposed him while living and bitterly defamed him when he died. Only extravagant praise would be regarded as just by his enthusiastic friends, while any eulogy will probably be regarded by his enemies as insincere and unmerited.

However this may be, I can speak of him only as he was known to me in the long yet limited acquaintance I had with him. According to this knowledge his friends probably overestimated him in some respects, as certainly his enemies grossly underestimated him in many. He was largely known only as a political leader, but those of us who were better acquainted with him knew he possessed the qualities of statesmanship in a high degree. Many knew of him only as captain in the tempestuous strife of party politics, but those of us who were associated with him here knew him also as a man of the gentlest nature, as a devoted student of literature, as a man of scholarly attainments, with corresponding culture and refinement.

Many who knew him only as the great leader of a great party in a great State, largely in the public eye because of his relation to turbulent contests, never imagined that he was yet one of the most silent, quiet, modest, patient, and unassuming of men. It is impossible to comprehend his apparently many-sided character without recalling his whole life, and in that way the early influences that operated to mold his character and make him what he was.

As the son of a Presbyterian minister, he was born into a lit-

erary atmosphere, and in his earliest years was surrounded by refined and cultivated people, who appreciated education, art, literature, and the sciences. He had an unusual aptitude for study, and was zealous and ambitious in the acquirement of an education. At the early age of 17 he was graduated in the classical course at Jefferson College. After leaving college, for some years he devoted himself to travel, teaching, and lecturing, thus fastening in his mind, by the use he made of it, the education he had received. Returning to Pennsylvania he engaged in the practice of the law, but quit that for the Army in the great contest for the preservation of the Union.

As a soldier he was so distinguished for bravery and efficiency that he favorably attracted the attention of the governor of his State, who advanced him to positions of trust and usefulness where he had opportunity to become acquainted with the politics of his State, in which, by rapid strides, he soon became an acknowledged leader. As such he was sent to the Senate, where for many years he maintained a conspicuous position and exerted a commanding influence.

The mere suggestion of such a career is enough to show that he possessed unusual intellectual endowment, but this is particularly manifest when it is recalled that he had no adventitious aid to success. He was small in stature, light in weight, and not impressive or imposing in appearance. He made no pretensions to oratory, seldom spoke in public, and possessed but few of the charms and fascinations that so frequently prove helpful to public men. He had no natural influences or affiliations to support and advance him. His repeated and long-continued successes were distinctively his own achievements. They were due to the fact that he had unusual sound judgment, never tiring industry, unceasing energy, and indefatigable and well-conceived purpose, coupled with unusual executive capacity and a most remarkable knowledge of human nature, that enabled him to comprehend situations and utilize individuals.

He had many great triumphs, but probably the greatest, because the most far-reaching and most appreciated by his party, was that which he achieved as national chairman of the Republican committee in the campaign of 1888, when he successfully diverted the attention of his opponents from New York State, where he made and won the real battle, to Southern and Western States, in which he made great demonstrations, but in reality only misleading feints.

He further strengthened and popularized himself with his party throughout the country, and particularly in his own State, by forcing the adoption of more satisfactory schedules in the Wilson-Gorman law by holding the floor of the Senate, speaking and reading continuously in favor of a protective tariff, until the opposition in charge of the bill capitulated and granted acceptable rates. He also, though in a different manner, and with less resulting popularity in his party, saved the McKinley tariff bill by defeating the force bill.

These were all exciting events at the time of their occurrence, and they added greatly to his fame among the people and to his influence in his party. Many other like illustrations might be given of his abilities as a party manager and legislator, but the limitations of this address preclude. Suffice it to say he was ever alert and resourceful whether conducting a political contest or a parliamentary struggle. No weakness of his adversary escaped him, and while the battle lasted no vulnerable point was spared.

While he did not seek these contests, in a way he seemed to enjoy them and the victory with which he usually emerged from them, for he had all the enthusiasm of battle in his nature, and was all aglow with life and energy when it was aroused; but his greatest pleasure was found in his books, to which, as the years went by, he became more and more attached.

Only a few days before his death, when he realized that the end was near, these faithful companions in whose pages he had so often found peace, beauty, hope, and inspiration, came trooping before his mind, and turning to his attendants he said: "I want to see my books once more before I die." A correspondent relates that when carried into his library "he fondled the volumes, read a line here and there, surveyed them lovingly and longingly until his eyelids closed, and like a tired child he was carried away from them forever." He was the first to realize that death was approaching, and months before the end with characteristic wisdom he proceeded while yet in the enjoyment of all his faculties to "set his house in order." Without a murmur of complaint or regret, but with calm resignation he then waited for the summons, and when it came, without a struggle, a pain, or pang, he fell asleep in the midst of his loved ones.

Men will differ in their estimates of his character and public

services, but all must agree that he had a marvelous faculty for political and party organization, and that he had such exceptional powers in these respects that he is entitled to be ranked in the very fore front of the great leaders of his time, and all who served with him here will agree that he was a faithful and efficient representative of the mighty Commonwealth he was so proud to serve.

Mr. CLARK of Wyoming. Mr. President, there was sorrow in many a heart when MATTHEW STANLEY QUAY passed from the scene of his earthly activity. It was almost impossible to realize that this man, strong among his fellows, keen in initiative, resourceful in execution, and sure in results, should no longer have a place among the living sons of men. To be sure his life had been one of intense activity, civil and military, from the time he first courted fortune in the South until the last day he occupied his place in this Chamber, and as we pause to reflect on all that came to his lot in those years, the things attempted, the difficulties encountered and overcome, the victories and successes hard fought for and won, as we recall the fact that the full span of life allotted to man, and more, had been his, we know that his life had been full; yet in spite of all these reflections his death seemed to us sudden and premature.

It is no part of my purpose to recount with anything of detail the life of our departed friend. We all knew him as a man who had carved out his own fortunes, one who had succeeded in life by dint of his own exertions, responsible to no man for his action and with a self-confidence that rose superior to all fear and overcame all difficulties, and yet a self-confidence that was as far removed from egotism or self-sufficiency as is day from night. Quiet and sparing in speech and mild in manner, he yet had that unalterable determination that conquers success. Where others hesitated, he attempted; when the hearts of others failed, he reorganized his columns and pressed on to accomplishment.

In political matters especially was his daring noticeable. Many a forlorn hope has he led in this Chamber and time and time again brought victory out of what seemed almost impossible conditions or sure defeat. But strong as was his will when set upon a given purpose, hard contestant as he was in political and other controversies, yet there were few more charming in their social lives; a man of wide reading and generous information, his social friendship was a thing to be greatly prized; and down deep in his heart, purposely concealed from the gaze of men, abode a love for the poor and friendless that will forever crown his name. For oppression of the weak by the powerful he had a deadly hatred, and the records of this body will show that in this Chamber his voice was oftenest raised for those who had no friend at court. Especially was he active and efficient in his services in behalf of the Indian. Their forlorn condition as a people, their helplessness, and their surely coming doom awakened all his sympathy and loving service; he had gone deep into their history and traditions, and no man who ever sat in this Chamber had a closer knowledge of the Indian than he.

On this occasion I may perhaps be indulged in a personal reminiscence only because it allows an opportunity to disclose in a most imperfect way a wonderful phase of the character of our departed friend. A year and a half ago I was surprised and honored with an invitation to accompany him on a trip to the Indian Territory. Why he should thus choose me as a companion I have never yet divined. The purpose of this trip I could not then imagine. In due time, however, we ended our journey by rail near the little town of Dewey and were taken several miles away, where the Delaware Indians were holding their annual thanksgiving or harvest home. This is the one week of the year when they return to the worship of the older days, when they are in close communion with the Great Spirit, and when the Manitou is to them a living, breathing presence. For two nights from dark to dawn we witnessed their communion with the Great Spirit; for two nights from sunset to sunrise, perhaps for the first time, white men were present as the fast-fading race were carrying out a ritual which was old when all modern ceremonies in this land were young. The details of that meeting I can not here in honor recount. The solemnity of that occasion I can not here depict, but I can say that at the rising sun, with an impressiveness indescribable and with an earnestness impossible except to a passing race, MATTHEW STANLEY QUAY was crowned, and probably as the last, with the royal honors of the Delawares. This as an expression of thankfulness for all the years he had labored for that people, an evidence of their appreciation of his great services in their behalf. I may be pardoned this reminiscence, and only use it as a side light of the character of our departed friend. Great himself, he was

ever mindful of the lowly. Secure in his high place in the councils of the nation, he despised not the appeal of the helpless. Strong in battle for himself, time was always found for earnest effort for the weak and the lowly of the land. And I could almost hear upon the sorrowing winds the wail of that people when they learned that the friend upon whom they had leaned was no more.

And, Mr. President, MATTHEW STANLEY QUAY, brave as he was in the defense of his country and upon the field of battle, successful as he was in personal affairs and political aim, yet his highest and sweetest epitaph will be written by that fast-disappearing race which appreciated his services and by the poor and needy who were tendered his help.

Mr. PERKINS. Mr. President, by the death of MATTHEW STANLEY QUAY the country has lost one of its most patriotic citizens, the Senate a very distinguished member, the State of Pennsylvania a loyal son, and the Republican party one of its strong leaders. The character of the man was manifested early in his distinguished career. In whatever he undertook there was found to be as the basis of his action sturdy loyalty—loyalty to his country, to his native State, and to his friends. He was among the first who took up arms for the preservation of the Union at the time of the civil war, and served with the Army until his great ability caused him to be withdrawn from the field for important work elsewhere, though still on military lines. The record which he established for himself as a soldier is an enviable one, for it is the result of heroism for a great cause, personal bravery, and an unusual aptitude for military affairs, and his deeds won for him the special commendation of Congress for courage and capacity on the field of battle. Although the hardships of a hard campaign so broke down his health that he felt compelled to resign his command, when the first guns of the battle of Fredericksburg were heard he insisted on serving as a volunteer aid, against the protest of the surgeons and of his friends, and he was conspicuous throughout the conflict for his daring and his resistless energy. Of such stuff were made the soldiers who won Shiloh, scaled Lookout Mountain, fought through the Wilderness, and brought victory at Gettysburg. It was the inspiration of patriotism which forced all these men to deeds of valor, and in none was this inspiration more potent than in MATTHEW STANLEY QUAY.

Although in his Senatorial career he was not among those who made their influence felt by words upon the floor, nevertheless his influence upon legislation was very great, and he became one of the men who had to be reckoned with on all important occasions. By his wide knowledge of conditions and his firm grasp on facts, he formed opinions which he firmly held and which commanded the respect of all who knew him. Whatever work he took in hand he pushed with the utmost vigor. His aid was therefore sought by those who were deeply interested in measures pending before the Senate.

But it was in respect to legislation affecting Pennsylvania, the State that he represented, that the energy and genius of Senator QUAY for legislation were most manifest. Loyalty to his State and its interests was his predominating characteristic, and in nothing was this fact more conspicuous than in the case of measures which affected economic conditions in that great manufacturing community. It was with a very jealous eye that he watched the trend of public opinion on economic questions, and was prompt to take action wherever there was a tendency to advocate measures that would affect the great business interests of our country, and especially those of his own State.

He had seen the development of unparalleled prosperity under the influence of laws which protected producers and the workers in the raw materials of commerce; he had watched the rapid and wide-spread material prosperity among the people; the increase among all classes of comforts and luxuries of all kinds; the growth of the old cities and the birth and wonderful progress of new, and he wished to maintain the conditions which had made possible the vast changes that had occurred under his observation. When, therefore, he became one of the great champions of the protective policy, it was with all these proofs of its efficacy before his eyes, and his belief that what had done so much for one State would do as much for others, made him one of the chief advocates of a protective tariff, and caused him to oppose with all his strength any movement that would, if successful, open to competition by foreign laborers the markets of the United States, which had been created by his own constituents, and which of right, he believed, belonged to them.

Those members of the Senate who recall the debates on the tariff bills which have been before Congress will remember that no member, perhaps, showed a more extended or minute knowl-

edge of the industries of the United States than did Senator QUAY. Hardly a schedule came up for discussion that did not bring from him remarks showing the close study he had given to the subject and his exact knowledge of it. He was apparently as familiar with conditions in California as in Pennsylvania, and showed as thorough an understanding of the needs of the cattle raisers of Montana as of those of the ironworkers of his own State.

What was his interest in the great policy which has done so much for the United States was made evident on the occasion of the discussion of the Wilson-Gorman bill, when, although infrequently addressing the Senate, he began a speech which was one of the longest on record, and which he was prepared to extend to any length until his object was accomplished—the acceptance of the protective amendments which had been added to the bill, which he believed were vitally important to the prosperity and welfare of the country. That his object was attained is a matter of history.

But it was as a general on the great political battle ground that he first became prominent and where he displayed that courage and sagacity which so often brought success to him. He had served in the Army during the civil war, and in action had manifested courage of the highest order and military judgment that would have given him a high rank in that service. But the exercise of these qualities was transferred to the field of politics, on which contests require the exercise of just those powers which are required by a general in the field—exact and discriminating knowledge of conditions, ability to take advantage of them, courage to carry into execution daring plans, persistence in carrying them out, resourceful in surmounting unexpected obstacles, knowledge of men and ability to attach them to himself, so that they make his aims their own.

He was one of the greatest political strategists of his time, and won battles that a weaker, less courageous, or less resourceful man would have lost. His genius for organization and execution took in the entire country. He was able to unite wide and diverse elements into a solid, homogeneous force which became irresistible. This genius made him the most powerful political factor in his own great State, of which he was so proud, and of which he thus spoke:

If this Union of States were dissolved, Pennsylvania could stand alone and be a nation unto herself. Out of her own bowels she could spin the web of her prosperity. She could place in the field and clothe, equip, and subsist an army of one-quarter of a million of men. She could build at her own shipyards her own navy, plate her ships from her own armor plants, arm them with guns from her own gun factories, and send them out on the Atlantic and the Great Lakes. In her industries she could levy tribute on all her sister States and almost all foreign countries. I am proud there is not a drop of blood in my veins that is not Pennsylvania blood two centuries old. I thank God I am a Pennsylvanian.

One of the most remarkable qualities of the late Senator QUAY was his ability to inspire devotion in his followers and friends which never faltered, and which gave him a strength that nothing could break down. It was a personal devotion, a personal affection, I might say, founded on his personal characteristics, which inspired confidence and esteem. It was another of those qualities which all great generals must possess if they are to handle armies successfully. An army distrustful is an army half defeated. But in the many political battles in which Senator QUAY was engaged he never doubted nor had cause to doubt the mettle or the loyalty of his followers. He was as true to them as they were to him. Perhaps this loyalty to his friends was the cause of their unfaltering trust in him. That is a trait which inspires respect and affection for any man who possesses it, and it is a source of strength, aye, of confidence, in time of need.

Senator QUAY's friendships were lifelong. Only treachery of the rankest kind could cause him to withdraw from anyone who had once gained the great privilege of his friendship and his confidence. He could harbor no resentment on account of politics or political differences if honestly held and honorably maintained. The most notable example of this fine trait of character was seen on the occasion when an intimate colleague voted against seating him when appointed Senator by the governor of Pennsylvania. Not a word of reproach had Senator QUAY for him—only a kind and pitying reference to the failing health of his old friend. He greeted him as kindly afterwards as though he had on that occasion been his most staunch and loyal supporter.

I wish to bear testimony of my association with Senator QUAY upon many important committees of the Senate, one of the most important, perhaps, being the Committee on Appropriations, by which appropriations are framed for the various branches of the Government. He brought to the business of that committee his wide research, and gave to every item there presented the same knowledge and painstaking thought that he would have

given to his own private business. He was loyal and true to the interests of the Government. His thoughts were not circumscribed by any sectional boundary. He gave the same broad and patriotic consideration to every measure that came before that great committee that he gave to every public question upon which he was called to act.

Passing a long life in active politics and often in political battles of great moment, Senator QUAY was nearly always viewed from that standpoint alone. That one whose energies were devoted to the greatest of all games, which usually absorbs all other ambition, had a domestic side to his life which is very touching to contemplate, is, though it should not be, a matter for some surprise. But that the QUAY of public life was not the QUAY of private life is well known to his intimate friends. In his home and amongst his personal friends all the gentler qualities of manhood stood forth and made him a most engaging personality. Then politics were cast aside and often literature took its place, for Senator QUAY was a voluminous reader of the best products of the human mind, and his knowledge of the great writers was wide and minute. His private library is one of the best in his State, and that it was put to good use was abundantly proven on many social visits of his intimate friends.

Senator QUAY for many months prior to his death appeared to realize that his days were numbered. On several occasions when I had greeted him with kind words of encouragement, after his return from Florida, where he had been to recuperate, he replied, No, that he never expected to again regain his good health, but that he had come back to his station of duty and would remain as long as he was able to sit at his desk. He labored daily in his official capacity and put his business affairs in order, providing for those who were near and dear to him, not forgetting to secure another position for his secretary, who had been with him for many years, but whose services he said he would no longer require. Then patiently he awaited the last summons that must sooner or later come to us all.

"Death is no surprise to the wise man; he is always ready to depart, having learned to anticipate the time when he must make up his mind to take this last journey."

Mr. DANIEL. Mr. President, the Hon. MATTHEW STANLEY QUAY, of Pennsylvania, having passed some years beyond the allotted period of three score years and ten, has now passed from the scenes of his earthly labors. On the same day we were sworn into the Senate, now well-nigh eighteen years ago. An incident of marked kindness and courtesy on his part extended to me soon prepossessed me toward him, and our association ripened into cordial and abiding friendship. He was a strong man, of many fine faculties and traits of character. He had the capacity for engaging and attaching to himself disinterested friends—a quality which bespeaks the fiber of the man more than words. He hated shams. Hypocrisy he despised. His opinions as a rule were boldly declared. His positions were resolutely maintained. His enemies he defied; his friends he cherished. He was without ostentation and of little vanity, but he had great pride and great courage. His ambition was to do things rather than to say things, but whatever he said he said well. Concentrative in his purposes and constructive in his plans, he paid great attention to the great questions that came to this body for consideration and he engaged but little in minor controversies. He focused his energies on decisive points. He was a fighter when a fight was on, but he was not disputatious, intermeddlesome, or pugnacious. Whenever he spoke he showed comprehensive grasp of his subject in all of its relations. He was a thoroughly informed and well-read man, but without literary pretensions or affectations. He exerted large influence as a Senator, not only upon his party, but as well upon his colleagues, without regard to political affiliation. This influence was due to his genial disposition, to his manly character, to his common sense, and to the clearness and wide range of his vision. He was broad in his views of all questions. Like most men of mark, he had risen to distinction, station, and power by slow but progressive stages and through hard encounters. Such experiences are the best of all educators. The leaders of men are their receptive pupils.

A sketch of Senator QUAY is given in a Pennsylvania paper, from which I extract this striking passage:

In Beaver they say that his chief characteristic was will power; the second, infinite patience and genius for details; the third, a great power to compromise differences in his party; the fourth, to keep his word; the fifth, to be silent and study his books when there was nothing else to do, for he was a great reader. His home in Beaver was that of the student and scholar; there was nothing superficial about it, for the owner abhorred mere show. His possessions were all impressive tributes to the refinement and good taste which brought them together. His pictures, his statuary, and his books cost him a fortune, and it is doubtful if there is anywhere in the State a private library the equal

of that in the modest house in Beaver. Senator QUAY studied his books with a wholesome appetite for what was in them and never neglected them. He had everything in literature worth having which it had been possible to obtain. He had very rare editions of different authors, and was particularly energetic in his collection of works bearing upon religious history and political economy.

The public get, at best, but glimpses of the men who serve them on the public stage, and they are oftentimes, if not for the most part, superficial, false, and misleading glimpses. Senator QUAY was known of all men for his ability, but few knew, such was his retiring disposition, the depth and scope of his mind, the richness of his cultivation, the ripeness of his reflections, or the graces of his amiable and sociable nature.

His genius was typical of that of his people. His public career reflects the characteristics of the great middle State of Pennsylvania, of which he was a son and which he represented. It is a State where agriculture, mining, manufacturing, commerce, learning, and science have advanced as nearly abreast of each other as in any place upon the earth's surface. The community is thrifty, prosperous, and progressive through the combination of diversified resources, abounding energies, and steadfast purpose. The evenness of its development in multitudinous departments of enterprise has imparted to the massive structure stamina and proportion. Solid rather than showy; steady rather than impulsive; moderate and self-contained rather than salient or effusive; practical rather than theoretical; matter of fact rather than romantic; the people of Pennsylvania have applied their arts and efforts to the utilities and refinements of life rather than to those things which appeal to the imagination and captivate the fancy. They present a rare picture of industrial activity and of domestic peace and reposeful power. At the base of their history is the stirring and sturdy blood of the colonial pioneers, toned, as it were, with the peaceful mood of Penn and the practical wisdom of Franklin.

In their background rises the great story of the Revolution, from Independence Hall to Germantown, Brandywine, and Valley Forge. Through all the gradations of their progress the American spirit has pervaded their atmosphere, adding to the freedom and grace of our national ideals, their substantial, social, and material attainments. Schools of fanaticism and hotbeds of anarchy find no congenial resort in such communities, and Pennsylvania may take to herself the credit of having sent to the national councils as a rule broad-minded, well-balanced, and American-hearted men. MATTHEW STANLEY QUAY was of this type. Brave soldier, as he had been in the Union Army, he brought here neither hatred, resentment, nor dislike of adversaries equally as brave. Northerner, as he was, he had no unkind word to say, no unkind thoughts to cherish, against his equally honest southern neighbors. Republican, as he was, no sectional hate, no sectional line, marred his individual sympathies or belittled his patriotic purpose. Partisan devotee, as he was, he cursed not those equally partisan of ideals opposed to his ideals. While he gave much to party of organizing genius and laborious toil, he did not give to party what was meant for mankind.

During the term of President Harrison a measure called the "force bill" seemed on the eve of passage in this body; and many believed it was fraught with woe and horror to the people of the South and of permanent detriment to American institutions. Senator QUAY, though tied in every way to the Administration, exercised an independent and powerful influence against it. It was a period of passion that has now gone by. His wisdom did much to avert what I solemnly believe would have proved an unspeakable national calamity. Even memory of that episode is fading away, and I trust that I touch no sensitive chord in referring to it on this occasion. My object is solely to point to a great service which Senator QUAY—and I may say also his colleague, Senator Don Cameron—then rendered not only to the South, but to all of our countrymen; and to record here for my part a sense of gratitude, which my people share, and which will quicken my heart to its last pulsation.

But a few days ago the President of the United States made a remarkable speech in New York. It contained many noble and patriotic sentiments which the good heart, the good sense, and the restored good feeling of the American people will appreciate all over the country. I felt, as I laid down the paper which published it, as if I saw swinging inward upon its hinges the gate that closed a long and painful era. It is my pleasing thought of Senator QUAY to-day that he did nothing to prolong the era that has gone by, but on the contrary did much to mitigate its evils and to shorten its existence. I could pay to his memory no better and no sincerer tribute and for my country could express no better wish than by saying at his open grave, "God grant that the departed era may return no more to our country." I feel that in this wish I utter the noble aspirations of him whom we sincerely mourn to-day, and who, though "being dead, yet speaketh."

Mr. NELSON. Mr. President, I shall not dwell or enlarge on the details of Senator QUAY's life or work. Those who knew him longer, more intimately, and are more familiar with his work than I can much better acquaint themselves of this task. The most I can venture is a brief outline, modest and conservative, of the man, his environment, and the epos of his life. There are a few monuments in a man's life that give us, when we ascertain them, his true boundaries and his real potentialities. These, however, should be viewed in the light of the times, the region, and the people where he dwelt. The coffin and the shroud measure the mortal part of the man. On this occasion we measure, as posterity will measure, the immortal, that which was not dust, nor will return to the dust.

Flattery and undue praise was foreign to the nature of Senator QUAY, and his spirit will rebel against tributes and tokens of that kind.

Lecky, in his history of England in the eighteenth century, in referring to the American Army in the Revolutionary war, states:

No troops in that Army had shown themselves more courageous, more patient, and more devoted than the Pennsylvania line. Its privates and noncommissioned officers consisted chiefly of immigrants from the North of Ireland, etc.

In another place, in describing the feeling of the people of the Carolinas toward England, he states:

The Irish Presbyterians, on the other hand, appear to have been everywhere bitterly anti-English, and outside of New England it is probable that they did more of the real fighting of the Revolution than any other class.

While there was a large element of the Scotch-Irish in the Continental Army, there was another contingent among them composed of settlers in the eastern valleys and foothills of the Alleghanies, the Blue Ridge, and the great Smoky Mountains, who, during the Revolutionary War, pressed westward over the mountains and, in the face of cruel and crafty savages, won and secured for our nation during that struggle a domain as large and far richer than the theater of war between the mountains and the seaboard.

It was only once, but that in a most notable instance—the battle of Kings Mountain—that this contingent of Presbyterian Scotch-Irish met the English armies face to face in battle array.

In this encounter, which occurred at a most critical time in the course of the war in the southern colonies, when they were prostrated and well-nigh subdued, the mountaineers were completely successful and their victory not only relieved Georgia and the Carolinas but forced Cornwallis to retire into Virginia and ultimately led to his final doom. This race has not only been the cradle of brave, irrepressible, and fearless pioneers, frontiersmen, and warriors, but it has also furnished our country some of the foremost men at the bar, on the bench, in the halls of legislation, and in the executive departments, State and national.

As the Vikings of Norway, transplanted to Normandy, and from thence as Normans to England, left their impress for all times upon the Anglo-Saxon, so have the Covenanters of Scotland, transplanted to Ireland and from thence as Scotch-Irish to America, left their perpetual impress upon the descendants of the Puritans, the Cavalier, and the Quaker in our own country.

From the very loins of this Presbyterian Scotch-Irish race, famous in history, legend and song, came Senator QUAY, a true type and representative of the dash, and the virile vigor, so pronounced the world over in this race. The son of a clergyman, he had in his childhood and youth all the advantages of a Christian home, and he remained faithful and loyal to the church of his fathers and ancestors to the end of his life. His gifts of ancestry and birth were not only schooled in the faith of his fathers, they were also blessed and fortified with a thorough academic and collegiate education, supplemented by a training in the law for the profession of a lawyer. He became, and was, a man of culture and literary tastes—an extensive reader of the best works, who digested, remembered, and profited in a great measure from what he read. In many of the choicest pieces of our literature he sought and found a tonic to rest his mind and quiet his nerves from the strain and tension incident to an aggressive, offensive, and defensive political life—largely thrust upon him by selfish political opponents.

True to one of the most notable characteristics of his blood and race, when the civil war broke out he became a soldier under the banners of the Union, and as such he demonstrated in full measure that he was possessed of the fearless and martial spirit of his forbears who fought at Derry, at Aughrin, and on the Boyne.

At the close of the civil war Senator QUAY entered the political arena in his State. This was inevitable to one of his make-up, blood, and race. There were no more frontiers to be explored and conquered, no more wars to participate in—there

was only one promising field to enter, in which the grinding and prosy tameness of our complicated industrial life did not prevail, in which the spirit and energy of the heroic mind could find vent and sphere, the realm of politics. Greater men than Senator QUAY have been creatures of this inevitable impulse and necessity. Abraham Lincoln was a lawyer, and for a brief time a soldier. His true spiritual affinity was in neither of these callings. He was restless, and found no opening for his energy and no rest for his spirit except in the political arena, and in this field he grew spiritually and intellectually, as he could not have grown in any other sphere, until he became one of the greatest and noblest characters inscribed on the pages of human history.

Unfortunately for Senator QUAY, when he entered the political arena in his State his party was then and for years had been divided into two factions, with more or less of the political rancour prevailing in such cases. Under such circumstances one has to take sides; he can not well remain neutral and be an active participant. And so it came to pass that Senator QUAY became, in a measure, the legatee of this division and rancour, and he was a victim of this legacy in one form or another to a greater or less extent during a large portion of his political career. But the opposition to him came mainly from a small coterie of politicians jealous of his energy and power, rather than from the masses of the people. How strong he was among them and what confidence they had in him appeared when he was the candidate of his party for State treasurer in 1885, when he received the largest majority ever given in his State for a State officer save once, when the Democratic party was divided. His opponents bitterly maligned him through the public press and otherwise. The attacks did him less harm at home and in his own State, where he was best known and understood, than abroad, but it can not be denied that in other States where he was not so well known the maligners had, to some extent, poisoned the public mind against him. I had myself acquired a faint taint of the virus when I entered this Chamber, but I had no sooner made the acquaintance of Senator QUAY and learned to know him as he really was and to understand his true worth as a man and as a legislator than I realized how utterly groundless were the charges of his enemies and how basely and wickedly they had maligned him. It is the lot and good fortune of some of our public men who enter the sea of politics to have smooth, calm, and unobstructed sailing from the first to last, while others less fortunate encounter, as it were, a very hurricane from the beginning and are seldom in placid waters. But the craft that outrides all storms and finally enters the harbor undismantled and shipshape is surely of as sound material and of as substantial make-up as the craft that never encountered a storm.

The strong, manly, and rugged character of Mr. QUAY never appeared to greater advantage than in meeting the attacks of his traducers. He bore with serene dignity and quiet stoicism the onslaughts of his political opponents, striking back or warding off a blow not with the blare of trumpets nor the beating of drums, but in a quiet, self-contained, Cromwellian manner that won the respect if not the approval of his enemies. Yielding, mild-mannered, pliant, and drifting men encounter little strife and have few adversaries, while strong, rugged, aggressive, and progressive natures are never at rest, never lack enemies and traducers. Who had more vindictive and malevolent traducers in his lifetime than that foremost type of his race, Andrew Jackson? He outlived and confounded them all. And so has Senator QUAY outlived and confounded those who were ever blaming, ever belittling him. He had a long career and was a vigilant and potent factor in this body. Few wielded greater influence. "One is Allfather, but many are His messengers," saith the great Swedish poet.

Two classes of men, each in its own peculiar way, bring about legislative results in this body. The one class, of few words and little participating in debate, formulate and in committees digest, prepare, and report measures, great and small, for the final action of the entire body; while the other class, prone to debate, elucidate with their oratory all the intricacies and mysteries of legislation. The latter class cut a bigger figure on the public stage, fill more space in the Record, and in the public press are, as a rule, better known among the public outside of this Chamber, and by their oratory largely smoothen the wheels of legislation and eliminate much of the prosiness that appertains thereto, and on the whole give the public a better understanding of the same. The work of the former class, necessary and important as it may be, is, nevertheless, less conspicuous, less known to the public outside of this Chamber, though well known and appreciated here, occupies less space in the Record and in the press of the country, and is oftentimes less thankless.

Each of these classes is the complement and the necessity of the other, and it is the persistent and effective work of the two classes combined working as a harmonious whole that gives the nation the legislative results demanded and required for the welfare and the progress of our great, our progressive, and our ever expanding country.

Senator QUAY was beyond all question one of the foremost members of the first described of these classes. He was no orator in the common acceptance of the term. He was not without gifts as a debater, and yet few men in the Senate took less part in debate. But he was familiar with all the routine and detail of legislation, with the elements of our Constitution, and with the nature and scope of our Government and its history. He knew the temper and could measure the wants and aspirations of the American people. He brought his vigorous and trained mind, with untiring spirit and energy, to bear, especially in committee work, upon the manifold and various problems of legislation that confront Congress. He could almost intuitively and instantaneously distinguish and separate the bad from the good, the chaff from the grain, the dross from the gold. Few, if any, had a keener judgment or one less prone to err. He was a man of action rather than of words. He could plan and formulate a line of public policy with a wisdom and prudence excelled by few, and having adopted the same, he had the rare faculty in a high degree of organizing and leading parliamentary support in its behalf.

A measure may be carefully framed, thoroughly considered and prepared in committee, and duly supported in debate, and be intrinsically valuable and important, and yet it needs something more to successfully steer it through the halls of legislation. It needs organized, quiet, and persistent work from mouth to ear to remove the prejudice and dispel the ignorance that is not amenable to the efforts of the orator; and in this work, so often requisite and needed, no one excelled Senator QUAY. In quiet chats with his legislative associates he impressed upon them and convinced them of the wisdom and the necessity of the measure in hand; in other words, he was the master of both the strategy and the tactics of wise and successful legislation. It is oftentimes as much the duty of a good legislator to fearlessly defeat bad measures as it is to vigorously press good ones. And in this task Senator QUAY was never a laggard, never backward, never halting. If he was convinced that a measure was vicious and bad, he never hesitated in putting his heel on it. He was at all times the true and most effective helpmeet of the parliamentary orator—the staff on which he leaned, and without which his periods would oftentimes yield but empty echoes. He was not prodigal of promises, but ever prodigal in keeping faith and in loyalty to his friends and supporters.

He was a man of plain tastes and quiet, unassuming manners, as becomes a man of ability and real worth. His lot was cast in that world of unfeeling and tempestuous politics which we often criticize and deplore, but which we are loth to keep aloof from or eschew. There is a charm in the very odor and vision of a political battle that enthralls and assuages the pains of the wounds inflicted. He was so completely victorious in his last political combat that even his enemies became prone to forgive and forget.

And when so victorious, as ever in all his strife, he did not exult over the vanquished, but calmly and serenely seemed to say to them, "I have a heart for every fate, a sigh for those who love me, and a smile for those who hate."

He died in the seventy-first year of his life, after nearly fifty years in the public service, loved by his friends and respected by his adversaries; at peace with all the world and with his God; the great son of a great Commonwealth that will cherish his memory as one of the bravest, most fearless, and most loyal of all her great sons.

Mr. COCKRELL. Mr. President, again the Senate of the United States, in the midst of the pressing and onerous labors of the last session of the Fifty-eighth Congress, lays aside its legislative duties to pay its tribute of respect, friendship, and honor to the memory of Hon. MATTHEW STANLEY QUAY, late a Senator in this Chamber from the State of Pennsylvania, who died at his home in Beaver on the evening of May 28, 1904.

He was born at Dillsburg, York County, Pa., on September 30, 1833.

His ancestors had lived in that State since 1715. His father was a distinguished Scotch-Irish clergyman. He was named for Gen. Matthew Stanley, an eminent citizen of Brandywine Manor. He graduated with distinction from Jefferson College at the age of 17.

After graduation he traveled, taught school, lectured, studied law, and was admitted to the bar in 1854; was appointed pro-

thonotary of Beaver County in 1855, and elected in 1856 and again in 1859. From this time on to the day of his death he was an active participant in all State and national affairs, and was a loyal and staunch adherent during the civil war to the integrity of the Union. He was a lieutenant in the Tenth Pennsylvania Reserves; was colonel of the One hundred and thirty-fourth Pennsylvania Volunteers; was lieutenant-colonel and assistant commissary-general of his State; was military secretary to the famous war governor, Curtin, 1861-1865. He proved his personal courage on the battlefield through the fierce carnage at Fredericksburg after his resignation as colonel of his regiment had been sent in, and was complimented in general orders for his conspicuous gallantry and awarded a medal for his bravery.

He was a member of his State legislature from 1865 to 1867; secretary of the Commonwealth, 1872-1878; recorder of the city of Philadelphia and chairman of the Republican State committee, 1878-79 and 1902-3; was again secretary of the Commonwealth, 1879-1882; a delegate at large to the national conventions of 1872, 1876, and 1880; was elected State treasurer in 1885, and a member of the Republican national committee and chosen chairman in 1888, and conducted the successful Presidential campaign of that year in the election of Benjamin Harrison as President. He was a delegate to the Republican national conventions of 1892, 1896, and 1900, and was elected to the United States Senate as a Republican, to succeed Hon. John I. Mitchell, and took his seat in this Chamber on March 4, 1887; was reelected in 1893, and was defeated in 1899 for reelection by a deadlock throughout the session of the legislature, and was appointed by the governor of his State to fill the vacancy caused by the failure of the legislature to elect, but his appointment was not recognized by the Senate.

On the day his appointment was rejected by the Senate he was nominated to be his own successor by the Republican State convention, and was reelected January 15, 1901, by a vote of a majority in each house, receiving a total of 130 votes to 118 votes for other aspirants, and took his seat here on January 17, 1901. His term would have expired on March 3, 1905. In the Senate Colonel QUAY rendered valuable service on many important committees. His life was unique and remarkable. Although a seminvalid physically during a large portion of his public career, his life was a strenuous one, under high tension, sufficient, apparently, to have worn out the most robust health. His hold on power in a great State like Pennsylvania through so many contests—State and national—and for so many years was most wonderful.

He had a genius for party organization and management, and was recognized as one of the most successful political managers in the country. He was cool, self-possessed, resourceful in expedients, holding his forces thoroughly in hand, unquailing under opposition or criticism, diplomatic in avoiding the impracticable and the unwise, and tactful in healing breaches, and strong in political strategy, and skilled in party management. He doubtless made mistakes, but he was quick in countermove-ments to overcome their effects. Napoleon made mistakes and met his Waterloo. QUAY made mistakes, but triumphed over them and went down only before the unconquerable foe of human life—death.

My first personal acquaintance with Colonel QUAY was when he entered the Senate in 1887. Our personal relations were pleasant and agreeable.

He was sociable, kind, ever ready to do any friendly act, easily approachable, and gentle in bearing and manner, and drew his friends closely to him, and was invincible when personally appealing to the people.

He was a great reader, and was well informed on all public questions, and was fond of his valuable library, and was a ripe scholar and well versed in all branches of literature. His strong hold on the people of his State was made most manifest by the attendance at his burial, at Beaver, and the expressions of sorrow, sympathy, and friendly remembrance and devotion.

Since I entered this Senate, on the 4th day of March, 1875, this is the thirty-ninth time that the Senate has been called to pay just tribute to the memory of Senators who have died while members of the Senate. Senator QUAY was the thirty-eighth Senator, in point of time, who so died, the distinguished and venerable Senator Hoar, from Massachusetts, being the thirty-ninth and last one. Their names and the times of their death are as follows:

Forty-fourth Congress, first session, Andrew Johnson, of Tennessee, died July 31, 1875, during the recess.

Forty-fourth Congress, first session, Orris S. Ferry, of Connecticut, died November 21, 1875, during the recess.

Forty-fourth Congress, first session, Allen T. Caperton, of West Virginia, died July 26, 1876, during the session.

Forty-fifth Congress, first session, Oliver P. Morton, of Indiana, died November 1, 1877, during the session.

Forty-fifth Congress, second session, Lewis V. Boggy, of Missouri, died September 20, 1877, during the recess.

Forty-sixth Congress, second session, Zachariah Chandler, of Michigan, died November 1, 1879, during the recess.

Forty-sixth Congress, second session, George S. Houston, of Alabama, died December 31, 1879, during the holiday recess.

Forty-sixth Congress, third session, Matthew H. Carpenter, of Wisconsin, died February 24, 1881, during the session.

Forty-seventh Congress, first session, Ambrose E. Burnside, of Rhode Island, died August 13, 1881, during the recess.

Forty-seventh Congress, second session, Benjamin H. Hill, of Georgia, died August 16, 1882, during the recess.

Forty-eighth Congress, second session, Henry B. Anthony, of Rhode Island, died September 2, 1884, during the recess.

Forty-ninth Congress, first session, John F. Miller, of California, died March 8, 1886, during the session.

Forty-ninth Congress, second session, Austin F. Pike, of New Hampshire, died October 8, 1886, during the recess.

Forty-ninth Congress, second session, John A. Logan, of Illinois, died December 26, 1886, during the holiday recess.

Fifty-first Congress, first session, James B. Beck, of Kentucky, died May 3, 1890, during the session.

Fifty-first Congress, second session, Ephraim K. Wilson, of Maryland, died February 24, 1891, during the session.

Fifty-first Congress, second session, George Hearst, of California, died February 28, 1891, during the session.

Fifty-second Congress, first session, Preston B. Plumb, of Kansas, died December 20, 1891, during the session.

Fifty-second Congress, first session, John S. Barbour, of Virginia, died May 14, 1892, during the session.

Fifty-second Congress, second session, Randall L. Gibson, of Louisiana, died December 15, 1892, during the session.

Fifty-second Congress, second session, John E. Kenna, of West Virginia, died January 11, 1893, during the session.

Fifty-third Congress, first session, Leland Stanford, of California, died June 21, 1893, during the recess.

Fifty-third Congress, second session, Alfred Holt Colquitt, of Georgia, died March 26, 1894, during the session.

Fifty-third Congress, second session, Zebulon B. Vance, of North Carolina, died April 14, 1894, during the session.

Fifty-third Congress, second session, Francis B. Stockbridge, of Michigan, died April 30, 1894, during the session.

Fifty-fifth Congress, first session, Isham G. Harris, of Tennessee, died July 8, 1897, during the session.

Fifty-fifth Congress, first session, Joseph H. Earle, of South Carolina, died May 20, 1897, during the session.

Fifty-fifth Congress, second session, James Z. George, of Mississippi, died August 14, 1897, during the recess.

Fifty-fifth Congress, second session, Edward C. Walthall, of Mississippi, died April 21, 1898, during the session.

Fifty-fifth Congress, third session, Justin S. Morrill, of Vermont, died December 28, 1898, during the holiday recess.

Fifty-sixth Congress, first session, Monroe L. Hayward, of Nebraska, died December 5, 1899, before qualifying.

Fifty-sixth Congress, second session, John Henry Gear, of Iowa, died July 14, 1900, during the recess.

Fifty-sixth Congress, second session, Cushman K. Davis, of Minnesota, died November 27, 1900, during the recess.

Fifty-seventh Congress, first session, James H. Kyle, of South Dakota, died July 1, 1901, during the recess.

Fifty-seventh Congress, first session, William J. Sewell, of New Jersey, died December 27, 1901, during the holiday recess.

Fifty-seventh Congress, second session, James McMillan, of Michigan, died August 10, 1902, during the recess.

Fifty-eighth Congress, second session, Marcus A. Hanna, of Ohio, died February 15, 1904, during the session.

Fifty-eighth Congress, third session, Matthew S. Quay, of Pennsylvania, died May 28, 1904, during the recess.

Fifty-eighth Congress, third session, George Frisbie Hoar, of Massachusetts, died September 30, 1904, during the recess.

Senator QUAY has been very much missed from this Chamber, where his views and opinions were appreciated and given due weight. In all the relations of life, as son, husband, father, citizen, soldier, and public official he was kind, gentle, generous, and true. To his faithful and devoted wife and children his death is an irreparable loss. To them we extend condolence and sympathy.

Mr. MORGAN. Mr. President, the Senate of the United States has a broader foundation of governing power than any political body in the world. In legislation it is the consort and equal of the House of Representatives. It is the immediate representative, with the House, of all the people, and shares

with it in this power and in its responsibilities to the people, who supply and sustain and execute their powers of sovereignty through these tribunals, by elections conducted and controlled by the States.

The people of the United States have, in addition to the rights, duties, and powers of citizenship, the sovereign right to rule in all the functions and through the instrumentalities of government.

They constituted the Senate and conferred upon it this coordinate power of representation in lawmaking, and of protecting their rights and liberties within the domestic circle of the Union.

They also extended these powers to all the wide field of foreign affairs and relations, and to insure uniformity, justice, and safety in our intercourse with foreign powers they surrendered to the Federal Government this highest attribute of sovereignty which belonged to each State that formed the Union, and so guarded its exercise that no treaty or binding obligation could be made by their diplomatic agents without the consent of two-thirds of the Senate. And these sovereign States consented that such treaties should be the supreme law of the land, and that they should supersede and annul their constitutions and their laws when in conflict with them.

The sovereign people also conferred upon the Senate the right to confirm or reject all appointments to office, on the nomination of the President, leaving the Senate as free to reject his selections as the President is to make them.

The sovereign people also conferred upon the Senate, sitting as a court of impeachment, the power to expel from office any person holding civil office under the Government of the United States, without respect to its dignity or grade, upon conviction by the Senate of high crimes or misdemeanors in office.

The sovereign people also conferred upon the Senate a permanent organization, without lapse or provision for periodical renewal of its powers; and held its parliamentary control and the right to settle a tie vote in the hands of their chosen agent, the Vice-President of the United States, who is not a Senator, and is the only officer chosen by the people who has the right to participate in legislation.

And distributing the powers of Senators equally among the States, without respect of their areas or population, the people gave to each State an equal suffrage in the Senate and provided that the equipose should never be disturbed by an amendment of the Constitution.

The sovereign people also gave to the Senate, acting concurrently with the House of Representatives, the exclusive right to submit proposed amendments of the Constitution to the legislatures of the States for their action and the calling of conventions to consider amendments to the Constitution proposed in a certain form. And they also gave the Houses the exclusive right to declare war and the exclusive right to admit States into the Union.

Every day since the Constitution was ordained and the Government of the United States was established the Senate has been in full organization. Its membership has always been ready to perform all its duties, and it has witnessed the coming in and going out of Presidents and Cabinets and Houses of Representatives and of the millions who compose the entourage of political parties, and the exigencies of foreign and domestic wars without the slightest change in its organization or the loss of any of the powers conferred upon it by the sovereign people.

No aggregation of public trusts and powers equals this in its importance, its breadth, its permanency, and its responsibilities. It is only excelled by the majesty of the power of a great, free, independent, and self-governing people, whose sovereignty ordained the Constitution, who protected their own liberties under a written charter and their peace and prosperity by requiring everyone, high or low, to obey the laws. They bound their representatives by an oath of office, which is all the security they could exact from their servants.

A Senator who contemplates the powers thus intrusted to him by such a people and is conscious of the pledge he has given to do his duty in obedience to the Constitution and the laws must feel a sense of incapacity that needs more than human help. He must realize a weight of responsibility that will sober his judgment and dispel his prejudices, and he must regard the honor of the trust confided to him and its faithful performance as far exceeding in value any achievements that may be due to extraordinary genius or to towering ambition.

In speaking of MATTHEW STANLEY QUAY, if I was moved by the affection of long and intimate friendship I could not give him higher praise than to say that he performed the duty of an American Senator during a long service with faithful devo-

tion and with such ability as has left on the records of the Senate most valuable proofs of efficient service to the country.

I need not attempt to present a résumé of the prominent measures with which he was connected in his course in the Senate. They include the whole great field of Congressional action. He made no pretensions to the arts of oratory that are so pleasing and so powerful in riveting the attention of the multitude on the spectacular features of hotly contested debate. He went deeper into matters of real consequence and did not stop to polish and put in glittering settings the gems that his delivery brought to light. It may be truthfully said that no important matter escaped his attention and his careful examination, and no public danger was presented that could escape his alert detection or drive him from his post of duty.

I do not recall an instance in which he was not an important party to the settlement of contentions that concerned the welfare of the country, and I never knew him to attempt anything except the honorable reconciliation of those who were rash, angry, or obstinate in their contentions. I have in mind some notable instances when his courage and forbearance and his genius for reconciliation saved measures and men from disastrous consequences.

I feel bound in duty to his memory, as a Southern Senator, to refer to such interposition for the sake of justice and peace; and not to win applause, in which he has justly won the gratitude of the people of the South. I refer to the measure known as the "force bill," which came over from the House and was discussed at great length and with bitterness in the Senate. I have heard that the distinguished author of that measure is satisfied that it was a mistaken policy, else I would not refer to it over the tomb of MATTHEW STANLEY QUAY, that needs peace and rest for the nurture of the immortelles that will surely grow upon it. Mr. QUAY, at the critical moment, informed us of his purpose to displace that bill by a vote to take up another measure, and it was done.

No deeper sighs of relief ever came from human hearts than were given by millions of people in gratitude to God for a great deliverance that was moved by this action of a quiet, determined, and generous man, who sought no reward or praise for a simple act of manly friendship to a noble people. No heart in the South that is conscious of these facts will ever be embittered against the memory of MATTHEW STANLEY QUAY.

Mr. QUAY came to the Senate from the great State of Pennsylvania, for many years the citadel of the Democratic party. He had been a prime factor in its change of political situation, and his leadership was resented there and in the South. He was classed, without sufficient reason, among the men who had violated the capitulation of Lee and Grant, and had waged a war of depredation in the South through political machinery, with the negro race as the driving power. I take pleasure in expressing in these obsequies my dissent to those unjust imputations.

Mr. QUAY had rapidly grown into power in Pennsylvania and had spread his branches in the sunshine of veteran oaks that had long towered over the hills. Such intruders are not often welcome, nor do they always escape detraction. The South heard these criticisms and too eagerly gave credence to them. I had heard them and had no way to ascertain their value.

When he intimated to me his wish to take the place of his predecessor as my Senatorial pair I was reluctant because of impressions I had received from clamors by some of his political associates, and made inquiry of a Democratic friend in the Senate who had been his college mate. He still survives, and few that live are more grieved at the death of Mr. QUAY, in the zenith of his usefulness. He said, "I know QUAY well, and I have never known a truer or more manly and reliable man, and few that are more accomplished."

We were paired in voting in the Senate during his entire service, and he honorably kept his pair.

Although we were friends in a very pleasing sense, we never conferred about movements and conditions in the Senate, and never had a business transaction with each other.

I admired him because he wore the blue when I wore the gray, and he did not think that I was a traitor, nor did I think he was a mercenary oppressor and adventurer. When he needed rest he sought the savannas and seaboard of the South, regaled himself with its rich fruits, and sought recreation in fishing for tarpon—the silver king of southern seas. He loved nature, and such men do not usually love evil.

I was never his guest, though his hospitable home was generously open and was a favorite resort for our people.

I note these matters as showing the real man as he stood in the light of disinterested friendship and in the view of people who scanned him with close scrutiny.

In his character of Senator and friend he was true and blame-

less, and has won for himself a fame that will grow greater and better as time advances. If these tests are not sufficient to establish the reputation of MATTHEW STANLEY QUAY on an enduring basis I know not where to look for a broader or more solid foundation for the posthumous reputation of any man.

Mr. QUAY had eminent abilities in the conduct of public affairs. He was so modest in his demeanor and cared so little for public display that it was surprising that he had a wish to be in public life. But he had what are termed "reserved forces" that few men possess, and his power to control men by his quiet presence and the subdued expression of his will was extraordinary.

He was small in stature and his bearing was quiet and unpretending, but his step was firm and was the expression of great will power. His decisions were prompt and conclusive, so that he impressed intelligent observers as a man of high purpose and forceful and intrepid action.

There are many, very many, poor people that knew him better than the proud or the great—knew him for his benefactions. He held the silence of true charity in his almsgiving. Those whom he cared for thanked him with silent tears of gratitude, in which was mirrored the light of God's approving smile. In these little pathways of light there was a correspondence with the infinite. Its pathway may have been shadowed, as our way is shadowed, with a multitude of evils or even of sins, but the approving smile still found its way to his heart and cheered it when all else may have been dark.

When the Master healed the paralytic Gallilean, he said: "See thou tell no man; but go thy way."

This giver did not publish his loving charity toward the poor, except in his votes in the Senate. There it was always abundantly shown, not for the sake of praise, but for the sake of duty, especially toward the Indian tribes.

If good deeds, done without ostentation, are evidence of a living faith, Mr. QUAY has many proofs of his right to rest and peace.

The storm of life has softened to a breeze
That gently woos the lilies on his grave;
No more of shipwreck, or of angry seas!
God give him rest! Rest for the true and brave.

Mr. PLATT of New York. Mr. President, others more familiar with Mr. QUAY's public life and more competent to proclaim his signal public achievements have told us the story of his political career. It is a story which, while of commanding, not to say thrilling, interest, is a matter of more or less common knowledge. My purpose will be to touch briefly upon some of the underlying qualities of his life and to emphasize those characteristics to which, in my estimation, is attributable in large measure his ability to overcome obstacles and to accomplish the results for which he is justly famous in the annals of American political history.

The value of a human life can not be measured by concrete achievement alone. Each life carries its inspiration to humanity, and if there be any more significance in these memorial proceedings than an indication of desire to pay respectful tribute to the memory of beloved associates, it must be in the fact that there are here held up to view those human traits and qualities which inspire emulation.

It is doubtless true that the qualities more readily recognized by the superficial observer are not necessarily those which are dominant in any life; are not the qualities that denote the peculiar value of a life. It is quite possible we may discover in the character of Mr. QUAY obscure qualities that gave his life its significance.

My relations with our departed colleague, contrary to the general belief, were intermittent rather than continuous, and were political rather than intimately personal. Yet during these infrequent and casual relationships, I came to entertain for him respect as a man and admiration as a political leader. He impressed me as being both courageous and versatile, and it seemed as though his courage and versatility enabled him to seize upon a situation, whatever its complications, and to bear it and his cause and himself into the realm of success. He was a born political general, who could make a political campaign with the most meager facilities, without commissary, and win through sheer ability and marvelous forcefulness. We have many times known the opulent elements, the powerful corporations, of his State to be aligned against him, when he has fearlessly gone to the people, as he has expressed it, to "carry the fiery cross over the State." The people's hearts, responding to the touchstone of his being, gave him ever the majorities he sought. And herein resides an element with which the chronicler of this life must reckon. He had deep feeling himself and was not the cold, distant, grim-visaged man he appeared to be. A great student of human nature, he could approach any man,

high or low, on his vulnerable side and gain a hearing and inspire friendship. As a political general he possessed that clairvoyant ability to detect the weak points in his own and his enemies' lines; to strengthen his own and to storm those of the enemy. He was not averse to fighting, and it is quite possible he maintained his political strength by constantly going to the source of all strength—to the people—renewing his acquaintance with them and their affection for him. Certain it is that his political philosophy predicated utility in contest, for he has often said that annual elections keep political parties strong and are wholesome for a State and a nation, bringing people close to, and enabling them to maintain an interest in, those questions vitally affecting their own welfare. I would not say that Mr. QUAY deliberately sought contest, but when encountered he found in it a source of party and personal political strength.

The man who makes a success of political leadership or wide administration is not necessarily the man who is concerned too closely with matters of detail. Detail may frequently becloud judgment, as dust caught by the wind and moved from its natural location may obscure vision. Mr. QUAY, however, impressed me as being the exception proving the rule in this respect, for he had within his grasp the most minute detail of the complicated party machinery of his State. He planned his campaigns with great wisdom, never mustering his forces without feeling assured that he possessed the requisite votes; and if as a result of his estimate he appeared to lack those votes, he would proceed intelligently to gain them. He was a man of great tenacity of purpose. He never wasted effort upon chimera and never suffered delusion to possess his mind; but he never abandoned the effort to accomplish any object upon which his judgment had favorably passed. If the means of its accomplishment were not apparent, its achievement was discreetly deferred, though always kept in view. His intellect was ever employed in weighing probability and possibility, in shaping one set of conditions to fit some other set of conditions apparently remote; and in the intermingling of many unrelated processes he frequently found the possibility of successfully working out cherished hopes. His was an active, tenacious intellect, constantly engaged in storing up resource from which he might draw in the furtherance of his vigilant activities.

Mr. QUAY's last election to membership in this body is not so remote an event as to have passed from our recollections. We who comprehend the intricacies of such contests, who recognize their complexities and the degree of finesse requisite in attaining success in such an undertaking, can not fail to discover in Mr. QUAY a political analyst of the first rank. One instance tending to illustrate his original genius as a political general as well as his ability as an organizer came under my personal observation at the time he, as chairman of the Republican national committee, conducted the campaign for the election of a Republican President in 1888. With his headquarters in the city of New York, he was brought into immediate contact with the methods and operations of Tammany Hall. So practical a politician was he that we who were in direct charge of the campaign in that State were not only saved the loss of energy so frequently incurred in combating academic methods in conducting national campaigns, but were able to readily convince him of the necessity of meeting desperate opposition with forceful means. At that time the machinery of the municipal government in New York City was completely in the hands of adherents of Tammany Hall, who were by no means scrupulous in their exercise of power. Mr. QUAY, under the guise of acquiring data for the compilation of a new city directory, in the operation of which his name and personality were wholly concealed, secured possession not only of the voting lists of the city of New York, but, as had long been suspected, the information that Tammany had thousands of fraudulent names registered for use on election day. At the proper time, to Tammany Hall Mr. QUAY sent this message:

I have the names of the bona fide voters of every election district in New York. If any fraud is attempted on election day, we are not only in position to detect it, but we will see to it that the guilty go to prison.

Confusion reigned in the ranks of his enemies, who became forthwith thoroughly demoralized and disheartened. The result was that the Democratic majority in New York City that year was kept at a low point, and the State of New York, whose electoral vote was necessary to elect a President, was secured to the candidate whose cause he so fearlessly and intelligently espoused.

Turning to other things, he possessed great political and personal chivalry, not only toward friends, but enemies as well. He was true to his friendships whenever it was possible, and

yet he was always making peace and taking into his fold any possible recruits either from a new field or from the camp of old enemies.

Those who knew Mr. QUAY more intimately than I tell us he was an omnivorous reader; that he reveled in classical literature; that he was never so happy as when in his library, surrounded by the books he loved. Those of us who engage in practical politics and are ever distracted by the activities of business and political life realize the need of the regeneration of vital faculty that can never be better attained than in communion with the best thought of the ages. I fancy much of the superb self-possession and poise that distinguished Mr. QUAY's life came through some such mediumship as this.

Mr. President, when we hold up to critical inspection a character exhibiting the qualities of which I have spoken—qualities of courage, versatility, resourcefulness, strong feeling, high thinking, and the ability to make and retain friendships—we have performed a service to mankind, since their contemplation carries inspiration and bespeaks emulation in the minds and hearts of men.

Mr. KNOX. Mr. President, I am informed that the custom of the Senate permits, and my inclination surely impels me, before moving an adjournment of the Senate as an additional mark of respect for the distinguished dead, to add a brief word of eulogy, which I will limit to the relations in which I knew Senator QUAY and in which I knew him well.

We have listened with profound interest and gratification to Senators who have feelingly and eloquently described and illustrated the many qualities, the striking characteristics, the dominant political tone, and the public services of the remarkable man to whose memory this service is devoted.

Senators have spoken from personal knowledge and that peculiar affection between men which comes from long service in the affairs and trials of public life.

I knew Senator QUAY for a shorter period and less intimately on that side. His gifts as a born leader of men; his eminent services to the nation, the State of Pennsylvania, and his party; his mastership of the art of statecraft and political finesse, and his magnificent strategy and courage, which on more than one occasion turned threatened defeat into victory in struggles of great national consequence, need no further tribute from me.

Though Senator QUAY at times conspicuously suffered from that intolerable thing which it seems the public servant must endure, intentional misunderstanding and persistent misrepresentation, his just fame is now beyond the reach of the cheap detraction which assailed his life but can not obscure his real career and character.

MATTHEW STANLEY QUAY came of that strong Scotch-Irish stock which constituted one-third of the population of our country at the time of the Revolution, which has added so much to the greatness of this nation, and which in Pennsylvania grew and thrived along the hills of the Cumberland Valley and beyond to the Monongahela and Ohio.

His youth was passed in the atmosphere and inheritance of those intellectual and moral ideas his race has drawn from the capable brains and patient and courageous hearts of their fathers. Conscientiousness, independence, and resistance to aggression made them what they were and brought them across the sea to the new opportunities of a new world. Out of such evolution came the wit and the resourcefulness, the steady mind and the strong composed heart of the leader which were characteristics of Mr. QUAY. He was kindly and affectionate, tender in his domestic relations; loyal and helpful to his friends; cherishing and valuing them always and most genial in his quiet way. Grateful for a service, he was prompt to reciprocate. He volunteered helpfulness without ostentation; his heart and conscience alike expressed a large charitableness, and under a cool exterior his sympathies were quickly and deeply moved. His days were full of "little nameless, unremembered acts of kindness and of love."

Like all men possessing leadership, he was a fighter, and he fought a fight to the end; but when it was over, it was over in all ways. He was not vindictive; one of his most notable characteristics was his magnanimity. Throughout the many political hostilities of his State career close personal friendships involved in them survived almost untouched, and, if at all impaired, were finally and fully reestablished.

Senator QUAY was known to his friends and intimates as a man of the most extensive acquaintance with the literature of his language and of large acquirements in the knowledge of books. The classic literature of England, the great books of history, the biographies of renowned men were all familiar to him.

He was versed in Egyptology, had studied profoundly all that pertains to that great domain of learning, and was a student of

that delightful branch of literature devoted to the mythology of the Norsemen. In history he was deeply read, and it was his custom after an arduous day to take up the ancient histories of Greece and Rome and quiet his mind and prepare himself for rest by conversing with the great characters of the past.

To a fine classical education, acquired in his youth by earnest study, he had added in the long years of reading and research a mass of knowledge that made him an accurate scholar.

His taste for politics, his constant association with men of affairs, kept him keenly interested in all those things that make life interesting and kept him from becoming in any sense a recluse. His knowledge of the world, of the business and men of the world, so modified his wide and profound acquisitions from books that he was broad, scholarly, tolerant, and companionable.

It was delightful to sit with him when he was inclined to converse on some great book or some great branch of literature, and to listen to his perspicuous judgment of topics and their treatment.

Senator QUAY loved his home, his family, his friends, his books, and nature. No man ever really knew him who did not know him in relation to those things he valued most.

It was in this way of personal acquaintance and private friendship that I knew Senator QUAY best and longest. I valued this relation to him and, like so many other men in and out of his own State, realized the attractive combination in his character of the elements of manly courage and warmth of heart.

In my last conversation with him, but a few days prior to his death, he manifested by detaining look and gesture the yearning for human sympathy and companionship to which I have referred; and yet, in speaking of his rapidly approaching death, he harked back to the wild in his wish that he could go to the Maine woods and die, like an old gray wolf, upon a lonely rock. This was neither hopelessness nor defiance; it was simply the instinct of a brave man to meet his fate in the open and face to face, to confront death knowingly and with courageous equanimity.

Mr. President, I offer the following resolution, which I desire to have read at the desk.

The PRESIDING OFFICER. The Senator from Pennsylvania offers a resolution, which will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the deceased the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, February 20, 1905, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 18, 1905.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

DAM ACROSS RAINY RIVER.

The SPEAKER laid before the House the bill H. R. 17331, an act relating to a dam across Rainy River, with a Senate amendment.

The Senate amendment was read.

Mr. STEVENS of Minnesota. Mr. Speaker, I move that the House do concur in the Senate amendment.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 18468. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906; and

H. R. 18123. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 7206. An act granting a pension to Jane Hollis;

S. 6930. An act granting an increase of pension to Helen S. Wright;

S. 568. An act granting an increase of pension to Lyman H. Lamprey; and

S. 194. An act granting an increase of pension to Chester E. Dimick.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 102.

Resolved by the Senate (the House of Representatives concurring), That the statue of Frances E. Willard, presented by the State of Illinois, to be placed in Statuary Hall, be accepted by the United States, and that the thanks of Congress be tendered the State for the statue of one of the most eminent women of the United States.

Resolved, That a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Illinois.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 4609) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Manteo, N. C.

The message also announced that the Senate had adopted the following order:

Ordered, That the Senate sitting as a court of impeachment for the trial of Charles Swayne, United States judge in and for the northern district of Florida, stand adjourned until 2 o'clock p. m. on Monday, February 20, 1905, and that the Secretary notify the House of Representatives thereof.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7206. An act granting a pension to Jane Hollis—to the Committee on Invalid Pensions.

S. 568. An act granting an increase of pension to Lyman H. Lamprey—to the Committee on Invalid Pensions.

S. 194. An act granting an increase of pension to Chester E. Dimick—to the Committee on Invalid Pensions.

Senate concurrent resolution 102:

Resolved by the Senate (the House of Representatives concurring), That the statue of Frances E. Willard, presented by the State of Illinois, to be placed in Statuary Hall, be accepted by the United States, and that the thanks of Congress be tendered the State for the statue of one of the most eminent women of the United States.

Resolved, That a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Illinois—to the Committee on the Library.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, the Senate has returned the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, with the revenue-clause excluded. I now ask that the House disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent that the House disagree to the Senate amendments on the agricultural appropriation bill, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER announced as conferees on the part of the House, Mr. WADSWORTH, Mr. HENRY of Connecticut, and Mr. LAMB.

MAKING GLOUCESTER, MASS., A PORT TO WHICH MERCHANDISE MAY BE IMPORTED WITHOUT APPRAISEMENT.

Mr. BOUTELL. Mr. Speaker, I submit a privileged report from the Committee on Ways and Means, to accompany the bill H. R. 17353.

The SPEAKER. The gentleman from Illinois submits a privileged report, accompanying a bill, which the Clerk will report. The Clerk read as follows:

A bill (H. R. 17353) to make Gloucester, Mass., a port to which merchandise may be imported without appraisement.

Be it enacted, etc., That the privileges of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the port of Gloucester, Mass.

The committee amendment was read, as follows:

Amend said bill by inserting in line 3, after the word "privileges," the words "of section 7."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MADDOX. Mr. Speaker, I would like to inquire what is the special object of this bill.

Mr. BOUTELL. This bill places Gloucester, Mass., in the same class with the other smaller ports of entry included in section 7 of the act of June 10, 1880, which gives to those ports the privileges of immediate transportation of goods received at other ports of entry and having their destination at these smaller ports. In other words, the practical effect of this bill permits goods entering at the port of Boston or the port of Portland, Me., to be immediately shipped to Gloucester without appraisement at Boston or Portland. It is in the interest of the

Gloucester importers. It secures the speedy transportation of goods. Gloucester is already a port of entry, and the goods will be appraised on arrival at the port of destination instead of being appraised at the port of entry. It involves no additional expense, and is unanimously recommended by the Committee on Ways and Means.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was read the third time, and passed.

On motion of Mr. BOUTELL, a motion to reconsider the last vote was laid on the table.

CLERK TO SELECT COMMITTEE ON THE DISPOSITION OF USELESS PAPERS.

Mr. HILDEBRANT. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from Ohio presents a privileged report from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

The Committee on Accounts having heard a statement from the chairman of the Select Committee on the Disposition of Useless Papers in the Executive Departments as to the need of said committee for a clerk for the remainder of the present session of Congress, and being convinced that such clerk is necessary for the proper transaction of that committee's business, report herewith the following resolution, and recommend its adoption:

"Resolved, That the chairman of the Select Committee on the Disposition of Useless Documents in the Executive Departments is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day from February 4 to March 4, 1905."

It should be stated that while this resolution remains in force the chairman of said committee will be denied, under the law, the usual allowance for personal clerk hire, so that, in effect, the resolution calls for the expenditure of but \$68.

Mr. MADDOX. Mr. Speaker, I would like the gentleman to tell us the necessity for this. This is simply the destruction of papers.

Mr. HILDEBRANT. It is for the disposition of useless papers in the Executive Departments.

Mr. MADDOX. What does the gentleman want with a clerk? I belonged to that committee once myself, and we had no use for a clerk.

Mr. HILDEBRANT. The gentleman from Pennsylvania [Mr. BATES], chairman of the committee, asked for a clerk, and appeared before the Committee on Accounts and gave his reason why. That reason was satisfactory to the committee and they have reported the resolution. It merely entails an expenditure of \$68. He will be denied his hundred dollars per month for clerk hire.

Mr. MADDOX. I served on that committee on one occasion with the gentleman from Iowa [Mr. HEPBURN] and we had no clerk and did not need one.

Mr. HILDEBRANT. The gentleman from Pennsylvania [Mr. BATES] says that he has work to do and needs a clerk. The committee has deemed it wise to make a favorable report.

Mr. MADDOX. I desire to hear the reason why a clerk is needed.

Mr. HILDEBRANT. The chairman of the committee [Mr. BATES] is here, and I will ask him to state what he desires in the matter.

Mr. BATES. Mr. Speaker, I will say to the gentleman on the other side who has asked the question [Mr. MADDOX] that a large number of communications from the Executive Departments of the Government have been referred to this committee, namely, from the Treasury Department, from the Interior Department, from the Post-Office Department, from the Navy Department, and others. Accompanying these statements are long lists of files of documents which they desire to have disposed of, and it is necessary to keep an index of these schedules and files and a record of what action the committee takes. This makes purely committee work for some one to transact, and it was thought advisable and proper for the four weeks in which the committee is doing a great deal of this work that a clerk should be employed.

Mr. STEPHENS of Texas. Will the gentleman from Pennsylvania [Mr. BATES] permit a question?

Mr. BATES. Certainly.

Mr. STEPHENS of Texas. I would like to ask how many bills have been referred to this committee?

Mr. BATES. No bills whatever. They are resolutions or communications from the executive officers of the Government. The Cabinet officers and the heads of Departments and chiefs of divisions, under a special act of Congress, refer these requests

to the Speaker of the House, and by him they are referred to this committee for action.

Mr. STEPHENS of Texas. What action, then, does the committee take on these accounts?

Mr. BATES. The committee has hearings and decides whether these papers shall be disposed of, and we also visit the Departments and examine the papers personally.

Mr. STEPHENS of Texas. Is it not a fact that every one of those schedules are made out by the Department and sent to your committee?

Mr. BATES. Why, certainly.

Mr. STEPHENS of Texas. Without any action on the part of the committee?

Mr. BATES. But when they multiply, as they have been doing, a record must be kept of them, and also of the transactions of the committee, and, as well, of the many communications sent to the different Departments touching our action thereon.

Mr. HILDEBRANDT. Mr. Speaker, I ask for a vote.

Mr. MADDOX. Mr. Speaker, I would just like to say that unless there is something in this business other than that which I had to transact as a member of that committee, I can not see the necessity for it. In other words, the Secretary of the Treasury and of these other Departments had all this work done. We never did a thing on the face of the earth only to go up there and look at the papers and schedules, sign a list, pay our car fare, and stay ten or fifteen minutes probably.

Mr. MANN. May I ask the gentleman from Georgia [Mr. MADDOX] a question?

Mr. MADDOX. Yes.

Mr. MANN. Does not the gentleman from Georgia [Mr. MADDOX] think it advisable that a committee of the House, dealing with a question of this sort, should keep a record showing what papers have been destroyed by permission of the committee?

Mr. MADDOX. Now, I will just answer that the House already did that.

Mr. MANN. Did what?

Mr. MADDOX. Has not the House always done that?

Mr. MANN. I do not know whether this committee has always done that or not; but it is perfectly evident if the committee does do that, it has imposed upon the clerk of the chairman of the committee a duty which other Members do not impose upon their own clerks.

Mr. MADDOX. It is the clerk of his committee, then, that we have to pay for the extra service?

Mr. MANN. His committee has no clerk.

Mr. MADDOX. Then where did the chairman of the committee get the work done?

Mr. MANN. His private clerk has been required to do the work, which your or his private clerk is not required to do. Now, if his private clerk is compelled to do committee work, why should not that clerk receive pay for the committee work for the few days that he is working as committee clerk?

Mr. MADDOX. I am just informing the gentleman that we never had either a committee clerk or anybody's clerk to do that work.

Mr. MANN. I understand perfectly well. But I asked the gentleman from Georgia [Mr. MADDOX] the question whether he does not think it desirable that the committee should keep records of these papers.

Mr. MADDOX. It has not been done heretofore, and I do not think it is necessary now.

Mr. BARTLETT. Mr. Speaker, I think the matter could be more clearly stated than we have heard it on this side of the House. My understanding of the proposition is simply this:

The amount involved in this proposition is \$68. The gentleman from Pennsylvania [Mr. BATES], the chairman of the Committee to Dispose of Waste Papers of the House, asks that he be allowed during the remainder of this session, until the 4th of March, to have his clerk paid at the rate of \$6 per day, during which time he will not receive any pay for clerk hire as a Member of Congress. His own clerk has done this work. He has demonstrated to the committee—I was not present when the resolution was passed, but I was there when Mr. BATES was before the committee and made a showing that it was necessary, to do a very considerable amount of work. The report made by the gentleman from Pennsylvania to the House will show that a great deal of work has been done, and the proposition is simply to pay his clerk for this work, and during that time he will not receive his salary as Mr. BATES's secretary. He has done the work, and this will exclude Mr. BATES from receiving \$100 per month. This simply means paying \$68 for this work that has been done under the direction of the chairman of the committee and for the benefit of the House.

Mr. HILDEBRANT. Mr. Speaker, I call for a vote.

The question was taken, and the resolution was agreed to.

J. M. M'KAY, GEORGE E. PRINTY, AND P. L. COULTRY.

Mr. HILDEBRANT. Mr. Speaker, I present another resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Ohio, from the Committee on Accounts, presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolution 483.

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to J. M. McKay \$145.95; to George E. Printy, \$134.75, and to P. L. Coultry, \$134.75; in all, \$415.45, in payment for extra services rendered in the months of July and August, 1904, in removing 600,000 documents from the rooms formerly used as the folding-room annex to the building now used for such purpose.

Mr. MADDOX. Mr. Speaker, I think we ought to have some explanation of this.

Mr. HILDEBRANT. Mr. Speaker, I ask that the report of the committee be read.

The report (by Mr. HILDEBRANT) was read, as follows:

The Committee on Accounts, to whom was referred House resolution No. 483, for payment to J. M. McKay, George E. Printy, and P. L. Coultry compensation out of the contingent fund of the House for services rendered in the months of July and August, 1904, in removing books from the room formerly used as an annex to the folding room to the room now used for such purpose, have had the same under consideration and recommend its adoption.

The folding-room annex, containing about 1,000,000 documents, including books and pamphlets, was located in a building north of the Capitol, on the site of the Union Station, now under construction. Therefore it became necessary in the summer of 1904 to move the annex to another building, and two months' time was given for the purpose. The Clerk of the House gave out the work of removing the books to the lowest responsible bidder, the removal to be under the supervision of the foreman of the folding room of the House. The work of removal was prosecuted during the months of July and August, 1904, daily, from 7 a. m. until 6 p. m., and the books and pamphlets were safely removed to other quarters rented for the purpose.

The beneficiaries named in the accompanying resolution were the foremen engaged upon the work, and it required each of them to work five hours per day in excess of their regular working hours according to the summer schedule, amounting in all to about thirty-five full days overtime, for which the resolution proposes to compensate them at their respective rates of compensation. The resolution, therefore, involves an expenditure of \$415.45, whereas, it is believed, had the same amount of service been performed by other and less experienced persons it would have cost not less than \$1,000, so that the resolution really effects a saving rather than an extra expenditure. It is further shown that this work was of a laborious nature, performed during the heated term, was to meet an exigency, and was carefully and efficiently executed.

Your committee therefore report the resolution favorably.

Mr. HILDEBRANT. I call for a vote.

The question was taken; and the resolution was agreed to.

BICYCLE MESSENGERS FOR ENROLLMENT CLERK'S OFFICE.

Mr. HILDEBRANT. Mr. Speaker, I present the third and last privileged resolution from the committee.

The Clerk read as follows:

Resolution 494.

Resolved, That the Clerk of the House of Representatives be authorized and empowered to employ during the last ten days of this session of Congress four bicycle messengers for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid out of the contingent fund of the House of Representatives, at \$5 per day.

The question was taken; and the resolution was agreed to.

On motion of Mr. HILDEBRANT, a motion to reconsider the several votes by which the various resolutions were agreed to was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I move that the House nonconcur in the amendments of the Senate to the diplomatic and consular appropriation bill and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent at this time that the House do nonconcur or disagree to the Senate amendments to the diplomatic and consular appropriation bill and ask for a conference. Is there objection? [After a pause.] The Chair hears none; and the Chair announces the following conferees: Mr. HITT, Mr. ADAMS of Pennsylvania, and Mr. DINSMORE.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the District of Columbia appropriation bill and ask for a conference.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the House disagree to the Senate amendments to the District of Columbia appropriation bill and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Chair announces the following conferees: Mr. McCLEARY of Minnesota, Mr. BURKETT, and Mr. PIERCE.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection, the Chair will direct additional bills in order to be laid before the House for consideration under what is known as the "Dalzell order." It will be recollected that last Saturday bills were considered under that order, and bills that were in order on that Saturday were to be considered to-day. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry. There were several bills passed over the other day without prejudice. Do those come up first in order?

The SPEAKER. They come up in the Calendar order in which they stand.

Mr. PAYNE. They stand first on the Calendar, of course.

The SPEAKER. Then they will be called first.

AMERICAN REGISTER FOR STEAMER BROOKLYN.

The first business was the bill (H. R. 5392) to provide an American register for the steamer *Brooklyn*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Brooklyn*, wrecked in Cuban waters and purchased by a citizen of the United States, and now under repair in a shipyard in the United States, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs made upon said vessel have amounted to three times the purchase price of said vessel.

Mr. SMITH of New York. Mr. Speaker, I ask for the third reading and passage of the bill.

Mr. GROSVENOR. Mr. Speaker, I insist that this bill shall not be considered unless the gentleman from Maine [Mr. LITTLEFIELD], who has taken an active part in opposition to this bill, is given an opportunity to be heard.

Mr. SMITH of New York. I do not know that the gentleman is going to object to it.

Mr. GROSVENOR. I do not know that he is, but I know he has objected to it heretofore.

Mr. SMITH of New York. Mr. Speaker, I shall be very glad indeed to have the gentleman from Maine [Mr. LITTLEFIELD] heard on this bill. It is one of five bills considered by the committee, four of which have been passed by the House. I yield to the gentleman from Maine, who wishes to make a statement.

The SPEAKER. How much time does the gentleman yield?

Mr. LITTLEFIELD. What is the time allowed for debate on this bill?

The SPEAKER. The gentleman from New York [Mr. SMITH] has an hour, and he has the floor.

Mr. LITTLEFIELD. May I be allowed a parliamentary inquiry?

The SPEAKER. Certainly.

Mr. LITTLEFIELD. Under what order does the bill come up at this time?

The SPEAKER. Under what is called the Dalzell order, under which, by unanimous consent, bills coming within its scope are considered on Saturday. A number were considered last Saturday.

Mr. SMITH of New York. I yield ten minutes to the gentleman from Maine.

Mr. LITTLEFIELD. Mr. Speaker, this is one of a number of bills that have been favorably reported by the Merchant Marine and Fisheries Committee, but as to which there is a minority report. It grants an American register to the steamer *Brooklyn*.

It is entirely true that the *Brooklyn*, when she bore the name of *McPherson*, was a Government vessel and employed by either the War or Navy Department during the Spanish war. She was wrecked in Cuban waters when we had jurisdiction over those waters, prior to the establishment of the Cuban Republic. I do not know but that repairs have been made enough upon this ship to entitle her to admission to an American register under the general law, provided she had been wrecked in the United States; but there is not a thing in connection with this case that differentiates it from any other case which has been before the House.

I am fully well advised that the House has already favorably acted upon other bills of a similar character against the protest of a large minority on the Merchant Marine and Fisheries Committee.

The policy of passing these special laws granting American register under these circumstances has prevailed to a very large extent during the last thirty or forty years, and to such an extent that under the general law and by special legislation large numbers of vessels have been admitted, until within the last two or three years the whole coastwise trade has risen in vigorous protest against such legislation, because it is entirely possible under the general law and by these special acts to get a

vessel into the coastwise trade with an investment of \$100,000, for instance, to compete with other investments of \$200,000 made in American shipyards. That is a fair illustration of the proportion of investment involved in the two enterprises.

Now, the Merchant Marine and Fisheries Committee at this session have declined absolutely to recommend legislation in connection with any of these registers that have been applied for. I do not think the *Brooklyn* can be successfully differentiated from these other cases that have been adversely acted upon during this session. The only possible element of differentiation may be the fact that she had the American flag when she was used by the Department; but it appeared before the committee, and there is no question about it, that the gentleman who purchased her knew that he was purchasing a vessel with a foreign register, that she was not entitled to be admitted unless she got a special act, and he took his chances when he made the purchase.

The man who made the original purchase is not now the owner. He sold to a man by the name of Latham, who paid \$2,500 more for her than the original purchaser did, and took her in a wrecked condition. He knew he was taking his chances. All I have to say about this legislation is that I protest against it in the interests of the coastwise merchant marine of the United States. With the exception of a few men who are especially interested in the enactment of legislation of this kind in their own particular cases the merchant marine is practically a unit against this legislation. I do not know what action the House will take, and I care not; I have discharged my duty when I call the attention to the great public fact that this objection is made by these interests, and has been made largely within the last two or three years by reason of the tremendous accumulation of legislation of this character.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. LITTLEFIELD. Certainly.

Mr. PAYNE. I would like to ask whether the *Brooklyn* would be of such a character of vessel as would be safe to engage in trade between the United States and the Philippine Islands?

Mr. LITTLEFIELD. I know of no reason why not.

Mr. PAYNE. If that is so, would it not be a good thing to admit her to a register, inasmuch as I am informed that no effort has been made by the people controlling the coastwise trade to prepare themselves to take up business between the United States and the Philippine Islands since the act was passed a few years ago?

Mr. LITTLEFIELD. That is a very pertinent inquiry, but it was shown before the Committee on Merchant Marine and Fisheries, without contest or successful contradiction, that there is vessel after vessel now laid up in San Francisco, laid up upon the Atlantic coast, because they can not get profitable employment even in the coastwise trade.

Why, then, introduce other vessels to engage in that trade to compete with them on the basis of one-half of the investment? It appeared before the committee without challenge, without any attempt to successfully contradict it, that there was vessel after vessel, thousands of tons, ready now to engage in the trade between us and the Philippines, if we could have that trade.

Mr. PAYNE. Does the gentleman say that that was not contradicted?

Mr. LITTLEFIELD. I say it was not successfully contradicted.

Mr. PAYNE. I think I know gentlemen who have disputed it.

Mr. LITTLEFIELD. There wasn't a pretense of evidence before the committee that is entitled to any consideration by disinterested and intelligent men, giving due weight to testimony before a committee, that tended to militate against the proposition set up where vessels were specified by name, showing that a large amount of tonnage now in existence all ready to do that business.

Mr. DUNWELL rose.

The SPEAKER. Does the gentleman from Maine yield to the gentleman from New York?

Mr. LITTLEFIELD. I will.

Mr. DUNWELL. I would like to ask the gentleman from Maine if he does not largely oppose this bill because of the interests of the coast of Maine?

Mr. LITTLEFIELD. No; "the gentleman from Maine" opposes this bill because of the interests of the whole Atlantic coast.

Mr. DUNWELL. I would like to ask the gentleman from Maine how many vessels of this kind have been built on the coast of Maine during the past ten years?

Mr. LITTLEFIELD. There has not been one. The coast of Maine furnishes wooden vessels, and this is a steel vessel.

Mr. DUNWELL. In what respect will this vessel compete with the vessels produced on the coast of Maine?

Mr. LITTLEFIELD. I am not confining it to the coast of Maine. If the gentleman will take into account the situation, he will discover that "the gentleman from Maine" is not so provincial as to confine his views and interests to the coast of Maine. I have stated, and it is true, that the almost universal coastwise trade of the Atlantic coast is on record protesting against this legislation, and that is larger than the coast of Maine; it includes Massachusetts, it includes New York, and it includes all the way down the whole coast.

Mr. DUNWELL. The gentleman is speaking for the entire shipping interest of the United States?

Mr. LITTLEFIELD. I am endeavoring to do so; yes.

Mr. DUNWELL. All right.

Mr. LITTLEFIELD. Of course, I have not got it here, but I can furnish the gentleman at any time the records on file in the Committee on Merchant Marine and Fisheries, showing that hundreds of people representing the merchant marine are against this legislation. I do not mean this particular, specific, bill, but I mean legislation of this character. I have no feeling about this bill—not the slightest in the world.

Mr. DUNWELL. Oh, I know the gentleman has no personal interest; I know that.

Mr. SMITH of New York. Mr. Chairman, I think the gentleman's time has expired.

Mr. LITTLEFIELD. Very well; I will not further trespass upon the time of the gentleman.

Mr. BOUTELL. I would like to ask the gentleman from Maine a question.

Mr. SMITH of New York. I will yield to the gentleman from Maine time to answer.

Mr. BOUTELL. I want to ask whether we have ever before refused an American register to a vessel that had once borne the American flag in time of war?

Mr. LITTLEFIELD. I do not know that we have; but I will say this to the gentleman, and I want to be frank about it, that the War Department now has, I think, perhaps eight or ten or a dozen vessels that it would like to dispose of. They could be sold at a higher price if the War Department could sell them so that the vessels would get the American flag. This vessel brought, when she was sold, a much less price than she would have brought in the market if it had not been that she had a foreign register.

If she could have been sold by the United States Government with the right of American registry she would have sold for twice or three times what she sold for. This legislation simply gives her that right and adds that much to her value. If we admit this ship that has once borne the American flag every other ship that now bears the American flag and has a foreign register and was built in a foreign yard can refer to this as a precedent for that action; and that is one reason why—while I feel entirely friendly with the distinguished gentleman interested in this bill—I feel obliged now to call the attention of the House to the fact that this ship probably will be the precedent for others to come in, and for that reason the bill should be defeated.

Mr. BOUTELL. Well, I sincerely hope that it will be.

Mr. SMITH of New York. Mr. Speaker, the distinguished gentleman from Maine [Mr. LITTLEFIELD] has stated that this bill did not differ from any of the other similar bills that have passed this House, except that this ship bore the American flag and is the only vessel for which American registry has been asked that did bear the American flag. There were five bills considered by the subcommittee, of which the distinguished gentleman from Maine was the chairman. All five were reported favorably, and four of them have passed the House without any decided opposition from the gentleman from Maine. I just want to cite one instance. There was reported favorably from this committee a ship called the *Pyrenees*, a British ship, that was wrecked 4,000 miles from the American coast. The distinguished gentleman from Maine said that he would not object to the passage of that bill for the reason that the owner had invested all of his money in that ship and would be bankrupt if it did not obtain the American registry. Now, while the Members of this House admire the generous spirit and charitable attitude of the distinguished gentleman from Maine, they also admire one other quality which he possesses—that of being fair, broad minded, and liberal when justice is asked. This is the only ship that ever served or ever was baptized in the service of the American Republic, wrecked and purchased by an American citizen, on which were expended over eight times the amount the Government received for the vessel. It is the only instance where the owners of such a ship have asked for American registry.

The vessel referred to in this bill, now known as the *Brooklyn*, was formerly the *Obdam*. At the commencement of the Spanish-

American war she was purchased by this Government and baptized into the service of the United States under the name of the *McPherson* and used for three years by the War Department for the purpose of transporting troops and munitions of war between the United States and Cuba and Porto Rico, during which time she flew the American flag. While still employed as a United States transport, on February 4, 1901, she was wrecked about 70 miles from Florida, near the Cuban coast, Cuba at that time being under the military control of this nation. The Government made a contract with the Merritt-Chapman Company to bring her to New York. After examination it was decided by the Department not to repair the vessel, and she was offered at private sale for \$35,000. It was found impossible to sell her at that price, and she was advertised to be sold by the United States Government at public auction. She was purchased by L. E. Lunt, a citizen of the United States, for \$11,500, and he resold her to W. G. Lathan, her present owner, also a citizen of the United States, for \$15,000. He entered into a contract with the Morse Iron Works and Dry Dock Company, of Brooklyn, to put in a new bottom and keel, repair her engines, and completely restore her from the injuries due to the wreck, at a cost of \$90,000, of which amount \$88,500 has been paid and vouchers for which were presented to the Committee on Merchant Marine and Fisheries. The vessel is practically ready for sea and has been for nearly eighteen months. At the time of the sale no notification was given to the bidders at the auction that while the United States would give title that title would carry with it no rights in this country, and the people who bid on this boat, belonging to the United States Government, and which had flown the American flag for three years, found after the transaction had been consummated that they, the purchasers, had no rights under that flag.

The present owner when he purchased the vessel was under the impression that he was entitled to American register. Secretary Root, in a letter addressed to the chairman of the Committee on Commerce of the United States Senate, urged most heartily that this registry should be given, and stated in his letter that he thought it was possible that he ought to have explained to the purchaser at the time of the sale that the ship was not entitled to an American register, and that he considered it reasonable that the purchaser should have supposed that he was getting an American ship. Mr. Root added that he sincerely hoped that the bill granting American register to this ship would be passed.

Under date of April 12, 1902, Secretary Shaw addressed a letter to the chairman of the House Committee on Interstate and Foreign Commerce, which was then considering the bill, and which committee later reported it favorably, stating that he saw no objection to the passage of the bill.

Secretary Cortelyou addressed a letter to the chairman of the Committee on Merchant Marine and Fisheries, in which he stated the *Brooklyn* was formerly an army transport, and was wrecked off the coast of Cuba during the American occupation of that island, and that conditions differentiated in some respects from other applications for American registry.

A great many of the shipbuilders of the country have written letters, either to Senator Frye, chairman of the Senate Committee on Commerce, or to Chairman of the House Committee on Merchant Marine and Fisheries, indorsing the *Brooklyn's* application for registry, and stating it would have no detrimental effect on the shipbuilding interest of the United States, and in this particular vessel it would be right and just for the United States Government to grant her American registry.

Mr. CRUMPACKER. Mr. Speaker, I understand from the statement made by the gentleman from Maine [Mr. LITTLEFIELD] that if this boat had been wrecked in American waters it would be entitled to American registry under the law, because the amount that is put on in the way of repairs would fulfill the requirements of the law?

Mr. SMITH of New York. It would.

Mr. CRUMPACKER. I understand, likewise, that the ship was wrecked in Cuban waters while the United States Government had control of and administered the affairs of the island of Cuba?

Mr. SMITH of New York. It was.

Mr. CRUMPACKER. Therefore, practically, the boat was wrecked in American waters?

Mr. SMITH of New York. To all intents and purposes it was. Mr. Secretary Root, in giving title to this boat, gave title as follows:

I, Elihu Root, Secretary of War, in behalf of the United States Government, owning the whole of the wrecked army transport *McPherson*, of a burden of 2,777 tons, do bargain and sell and warrant the title against all and every person and persons whomsoever.

And the people who bought this ship thought they were buying an American vessel.

Mr. ADAMS of Pennsylvania. Mr. Speaker, how was this ship carrying the American flag at that time?

Mr. SMITH of New York. Because she belonged to the United States Government and was an American transport engaged in transporting troops and munitions of war to the island of Cuba.

Mr. ADAMS of Pennsylvania. How did she lose that title?

Mr. SMITH of New York. For the reason that she was sold at public auction by the Government and bought by a citizen of the United States, and the title did not carry with it the right to fly the American flag.

Mr. WM. ALDEN SMITH. She never had American registry?

Mr. SMITH of New York. No.

Mr. ADAMS of Pennsylvania. Then she was just in the position of a leased foreign ship, carrying supplies for the United States Government?

Mr. SMITH of New York. Not exactly.

Mr. WM. ALDEN SMITH. She was more in the position of Lafayette, who was never an American citizen, but who rendered service to this country.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. SMITH of New York, a motion to reconsider the last vote was laid on the table.

JOHN W. THOMPSON.

The next business under the special order was the bill (H. R. 1476) to amend the naval record of John W. Thompson and to secure for him an honorable discharge.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to amend the naval record of John W. Thompson, late ship's corporal, gunboat St. Clair, No. 19, Eighth Mississippi Squadron, so as to make it appear that said John W. Thompson was mustered into the naval service of the United States August 12, 1862, and honorably discharged therefrom as of the date of February 1, 1863.

The committee amendments were read, as follows:

Strike out the word "honorably" in line 9.

Strike out from the title the words "and secure for him an honorable discharge."

The committee amendments were agreed to.

Mr. MADDOX. Mr. Speaker, does this bill come within the rule under which we are now acting?

The SPEAKER. Yes, the Chair thinks so, but the Chair will cause the bill to be examined. Yes, it comes within the order.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

JAMES S. HARBER.

The next business on the Private Calendar under the order was the bill (H. R. 3916) for the relief of James S. Harber.

The Clerk read as follows:

Be it enacted, etc., That James S. Harber, late a member of Company D, Sixteenth Iowa Infantry Volunteers, be held and considered to have been honorably discharged, and that the Secretary of War is hereby authorized to carry this act into effect by issuing to said James S. Harber an honorable discharge from Company D, Sixteenth Iowa Infantry Volunteers: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be engrossed and read the third time; and was read the third time, and passed.

S. J. CALL.

The next business on the Private Calendar under the order was the bill (H. R. 18688) authorizing the President to appoint S. J. Call surgeon in the Revenue-Cutter Service.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to appoint S. J. Call surgeon in the United States Revenue-Cutter Service, with rank, pay, and allowance of first lieutenant in said Service, including longevity pay under provisions of existing law.

Mr. MANN. Mr. Speaker, I would like to have an explanation of this bill.

Mr. COWHERD. Mr. Speaker, in 1897, gentlemen will remember, the news came down from the Arctic Circle that a whaling fleet of about 300 men were imprisoned up near Point Barrow and that the men were starving. It excited great interest and comment over the entire country, and was discussed, as I remember it, on the floor of the House as to whether it would be possible in any way to take relief to those people. The Secretary of the Treasury ordered the members of the Revenue-Cutter Service, the nearest relief to them, to organize, if possible, an expedition, and three men were detailed—two lieutenants and a doctor. These men organized a relief expedition. They gathered up from the Eskimo a number

of reindeer and drove them nearly twenty-five hundred miles in midwinter through an utterly uninhabited country, and took them to the relief of the men who were there imprisoned. It was an act of courage and of daring such as has rarely been equaled in the annals of our country. They were utterly beyond any habitation of white men, and they were in a position where they could reach no relief except by the successful termination of their journey. The Secretary of the Treasury has recommended this bill in the strongest language, and let me say that of those three men who so gallantly conducted this expedition, two of them, being officers in the Revenue-Cutter Service, were, by a general law which passed this House, placed in the Service permanently. One has since resigned and is now collector of customs for Alaska. The third, being a contract surgeon, received no compensation whatever except the medal of honor which this Congress voted him, and is to-day, having lost a large portion of his property, dependent simply on his pay as contract surgeon, and is still employed only from voyage to voyage or from year to year under a contract. Now, I want to read to the House just a line or two from President McKinley's message in regard to this expedition. It was quoted in a letter from the Secretary of the Treasury in bestowing the medals voted by Congress upon those men.

The hardships and perils encountered by the members of the overland expedition in their great journey through an almost uninhabited region, a barren waste of ice and snow, facing death itself every day for nearly four months, over a route never before traveled by white men, with no refuge but at the end of the journey, carrying relief and cheer to 275 distressed citizens of our country, all make another glorious page in the history of American seamen. They reflect by their heroic and gallant struggles the highest credit upon themselves and the Government which they faithfully served. I commend this heroic crew to the grateful consideration of Congress and the American people.

The year just closed has been fruitful of noble achievements in the field of war, and while I have commended to your consideration the names of heroes who have shed luster upon the American name in valorous contests and battles by land and sea, it is no less my pleasure to invite your attention to a victory of peace, the results of which can not well be magnified, and the dauntless courage of the men engaged stamps them as true heroes whose services can not pass unrecognized.

Had these men performed such an act of heroism in the taking of human life in battle on land or sea every one of them would have been promoted and every one of them would have been voted pensions by this Congress. I simply ask that we follow the urgent recommendation of the Secretary of the Treasury, that this man be given a permanent hold on the position he now occupies without, as I understand it, any increase of pay.

Mr. FITZGERALD. I desire to inquire of the gentleman from Missouri [Mr. COWHERD] whether there is in the Revenue-Cutter Service such an office as "surgeon," outside of "contract surgeons?"

Mr. COWHERD. There is not.

Mr. FITZGERALD. Does not this bill in effect create a new class of officials in the Revenue-Cutter Service?

Mr. COWHERD. It does not. It gives the President power by special appointment to bestow a commission to one man who now holds his place under contract. It gives him a commission that will permit him to hold it perpetually, that is all, and does it for very gallant and very meritorious service rendered.

Mr. FITZGERALD. Does not the gentleman from Missouri [Mr. COWHERD] believe that this would be a precedent for legislation creating a class of officials known as "surgeons" in the Revenue-Cutter Service?

Mr. COWHERD. It is not a precedent unless Congress wishes to make it so, and if Congress wants to do that it does not need a precedent. It can do it any time it pleases to do so, and ought to do it whenever a man renders again service so meritorious.

Mr. MANN rose.

Mr. COWHERD. How much time does the gentleman from Illinois [Mr. MANN] desire?

Mr. MANN. A couple of minutes.

Mr. COWHERD. I yield that time to the gentleman.

Mr. MANN. Mr. Speaker, I recognize the exceptional circumstances of the case of Lieutenant Call, and appreciate the fact that the Government properly ought to do something more in his behalf than it does for an ordinary contract surgeon in the Revenue-Cutter Service; and I do not antagonize this bill. I asked for an explanation of the bill, so that the explanation might be in permanent form in the Record. And I now simply wish to say that as far as I am concerned I give notice to the other contract surgeons in the Revenue-Cutter Service that this is not a precedent for putting them upon the permanent force of the Government, and then retiring them in the end upon the retired list.

Mr. COWHERD. I think no such meritorious service could be shown by any other man in the service.

Mr. MANN. Well, Mr. Speaker, when a man has a chance, or his friends have, to describe his merits without regard to the merits of others, it is never a difficult task to ascribe great merit to the individual.

Mr. COWHERD. This has been recognized by Congress.

Mr. MANN. This particular case does deserve reward, but if we listen to the tales of woe which will be poured into our ears by others, perhaps other cases will seem meritorious, and I do not wish this case to be taken as a precedent for the others.

Mr. HEPBURN. I fully agree with what the gentleman from Missouri [Mr. COWHERD] has said about this case. It is a very remarkable one, a very exceptional one, and, in my judgment, can not be regarded as a precedent or as establishing a rule by which the other contract surgeons in the Revenue-Cutter Service can claim a permanent relation to the Government. I believe this man ought to have some reward and a very great reward. I do not believe that anything has occurred in our history during the last fifty years that exemplifies the same devotion to duty and the same measure of wonderful sacrifice as these men engaged in while upon that expedition. And therefore, Mr. Speaker, I certainly hope this bill will pass.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

JACOB LYON.

The next business on the Private Calendar was the bill (S. 5337) for the relief of Jacob Lyon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to Jacob Lyon, late of Battery E, Second Regiment United States Artillery, a bounty-land warrant of 160 acres by reason of his military service rendered prior to March 3, 1855.

Mr. BARTLETT. Mr. Speaker, I understood that bill to be one of those that were laid on the table last Saturday, or was it passed?

The SPEAKER. The bill was pending last Saturday.

Mr. WM. ALDEN SMITH. Mr. Speaker, this is a Senate bill introduced by Senator ALGER, and has passed that body. The bill was reported by my colleague, Mr. FORDNEY, who is now absent, from the Committee on Public Lands, and simply provides for giving a land warrant to a soldier who served in the Regular Army and in Indian battles prior to 1855. In accordance with the act of Congress approved March 3, 1855, soldiers of volunteer forces were given bounty warrants good for homestead commutation.

Mr. BARTLETT. Well, if under the law he is entitled to this land warrant, why do we pass such a bill?

Mr. WM. ALDEN SMITH. The question which arose in the Interior Department when the warrant was applied for by the soldier, was whether the service rendered by Jacob Lyon came within the provision of the law. There was no question about his fighting the Indians and rendering the country a valuable service, but this bill authorizes the recognition, and I have no doubt, from the statement of Senator ALGER and the report of my colleague, Mr. FORDNEY, that it is meritorious legislation, and I hope my friend from Georgia will not object to its passage.

Mr. BARTLETT. I always have to submit to the persuasive voice of my friend.

Mr. GIBSON. Mr. Speaker, this bill has been twice favorably reported in previous Congresses. This soldier served seven years, and the case is exceedingly meritorious. It has been fully discussed. The only objection to it, when it was called up, was made by the gentleman from Illinois [Mr. MANN], and he is now thoroughly satisfied of the equity of the bill. I hope that it will pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WM. ALDEN SMITH, a motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. THOMAS MASON.

The next business on the Private Calendar was the bill (S. 2354) to authorize the promotion of First Lieut. Thomas Mason, Revenue-Cutter Service.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to advance Lieut. Thomas Mason, Revenue-Cutter Service, one grade, from first lieutenant to that of captain, on the "Permanent waiting orders" list in the Revenue-Cutter Service, for meritorious acts while in the service of the Navy and of the Revenue-Cutter Service of the United States: *Provided, however,* That no increase in pay or allowance is to be made by the advance in grade hereby authorized.

Mr. DALZELL. Mr. Speaker, it seems to me that that bill does not come within the order.

The SPEAKER. The Chair, on examination of the order, finds that it provides for the consideration of bills excepting "such as may involve promotions of persons already in the Army or Navy." This seems to be in the Revenue-Cutter Service. It comes under the substance of the rule, but not the letter.

Mr. HULL. What is the use of giving an increase of grade if no increased salary goes with it?

Mr. WILEY of New Jersey. Mr. Speaker, First Lieut. Thomas Mason resides in my district. I have known him for a number of years. He is quite an old man. He was an acting captain in the Revenue Marine and was retired on account of disability. He wants to die a captain. He will not live a great while, and he simply asks that this bill be passed so that he may get that rank, which he would have had if he had been able to continue in the Government service. His record is a good one; I have it here, and will read it if it is necessary. It shows him to have been a very brave man, to have received the commendation of his superiors, and to be mentioned in commendation in general orders.

NAVAL RECORD.

Appointed acting master's mate December 17, 1861. Assigned to duty on U. S. steam sloop *Hartford* (Farragut's flagship) January 6, 1862. Participated in the actions of Forts Jackson and St. Philip, April 24, 1862, and in the actions with the Chalmette batteries and the capture of New Orleans, April 25, 1862, and in the actions at Vicksburg on June 28 and July 15, 1862. In 1863 he was assigned to duty on U. S. S. *Grand Gulf*, engaged in blockading duty off Wilmington, N. C., in 1864; promoted to acting ensign and assigned to U. S. S. *Seneca* and took an active part in the bombardment and capture of Fort Fisher, N. C., in January, 1865. He was an officer in charge of a portion of the men of the *Seneca* in the naval assault upon Fort Fisher and was honorably mentioned by Lieut. Commander M. Sicaide in his official report. (See p. 166, Secretary Navy's Report for 1865.) He participated in the capture of Fort Anderson and other works and ending in the capture of Wilmington, N. C., February 22, 1865. In early part of February he was in a night boat expedition, under command of the Lieut. Commander William B. Cushing, for the purpose of locating obstructions, etc., in the Cape Fear River.

In March, 1865, while the *Seneca* was employed as guard ship at Hampton Roads, he assisted in rescuing the Hon. John T. Hoffman, afterwards governor of New York, and others when in great peril of drifting to sea during inclement weather. He was discharged from United States Navy February 7, 1868.

RECORD IN UNITED STATES REVENUE-CUTTER SERVICE.

Commissioned third lieutenant September 2, 1868. Assigned to revenue cutter *Moccasin* at Wilmington, N. C., where valuable assistance was rendered to the Clyde Line steamers and other vessels. In April, 1869, and until November was on duty on the steamer *Fessenden* at Detroit, Mich. In November was assigned to revenue steamer *Lincoln* at San Francisco until April, 1870, when he was ordered to Sitka, Alaska, for duty on the sailing cutter *Reliance*. In July, 1870, while cruising in the Arctic, seized the schooner *Louisa Simpson* (American, 95 tons) for violation of laws relating to Alaska. Lieutenant Mason was detailed with two men to take command of this small vessel and deliver her to the collector of customs at Sitka, which, as the official documents show, was accomplished. This of itself was a task of no little moment, inasmuch as he had eight men who belonged to the vessel and were difficult to keep under control. One of them had on the first night after the seizure endeavored to disable the prize by cutting the lanyards of the lower rigging.

Lieutenant Mason left Sitka for Portland, Oreg., with this same gang and delivered them to the United States authorities at Portland on September 17, 1870. The vessel and cargo were forfeited by decree of the United States district court, and in December, 1870, he returned to Sitka, reaching there early in January, 1871, to find orders to bring the *Reliance* to Port Townsend, Wash., which duty devolved upon him. It was successfully accomplished. He was practically alone, all the officers save one having been detached. In March, 1874, he took the sailing cutter *Relief* from Galveston to Mobile. In November, 1877, he was detailed to restore order on the American ship *Lawrence Brown*, lying at Delaware Breakwater. This duty necessitated his getting that vessel under way and putting her to sea before the refractory crew yielded. In 1879 a case on a German ship similar to that of the *Lawrence Brown* was successfully straightened out by Lieutenant Mason.

Extract from Flag-Officer Farragut's report of the action of June 28, 1862, at Vicksburg (see Secretary of Navy's report for 1862, p. 393, bottom of page):

"As to Commander R. Walnwright and the officers and crew of this ship, I can not speak too highly of their steadiness and coolness, and the energy with which they performed their duties."

Extract from report of Commander Richard Walnwright, of the U. S. flagship *Hartford*, of the actions of April 24 and 25, 1862, off Forts Jackson and St. Philip and below the city of New Orleans (see Secretary of Navy's report for 1862, p. 292):

"The guns were well worked and served, and when officers and men behave with such courage and coolness I consider it a credit to the ship to say that it is impossible for me to individualize."

Report of Commander Walnwright of the action in passing the batteries at Vicksburg, morning of June 28, 1862 (p. 402):

After specifically naming some of the officers, he closes by saying:

"In fact all—officers and men—were a credit to the ship and to the country for which they have so gallantly fought."

So far as relates to his record in the United States Navy during the civil war, the following have signified their readiness to render testimony in support of his claim for advancement on account of meritorious service: Rear-Admiral John C. Watson, United States Navy; Capt. William Schultz, police department, New York City; Mr. W. Grey Werner, chief clerk to United States light-house engineer, Tompkinsville, N. Y.; and that part relating to his record in the United States Revenue-Cutter

Service will be corroborated by Captains Kilgore, Maguire, Rogers, Howlands, Wadsworth, the present chief of the division, and the engineer in chief of the Service.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WILEY of New Jersey, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEONARD I. BROWNSON.

The next business on the Private Calendar was the bill (S. 4066) for the relief of Leonard I. Brownson.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to revoke and set aside so much of General Orders, No. 21, Headquarters Middle Military Division, dated September 18, 1864, as dismissed First Lieut. Leonard I. Brownson, Company K, Fifth Vermont Volunteers, for absence without leave and for conduct prejudicial to good order and military discipline, and to grant and cause to be issued to said Leonard I. Brownson a certificate of honorable muster out of the service as of the date of September 18, 1864; and said Leonard I. Brownson shall not be entitled, by virtue of this act, to any pay or allowance.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 17117) granting an increase of pension to George H. Brustarr, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18468) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. CULLOM, and Mr. TELLER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. GALLINGER, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. LATIMER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 6351) granting an increase of pension to Martin T. Cross.

WILLIAM A. TREADWELL.

The next business on the Private Calendar was the bill (H. R. 3535) to grant honorable discharge to William A. Treadwell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to William A. Treadwell, late captain of Company G, Fourteenth Regiment New York Heavy Artillery Volunteers, an honorable discharge, to date from December 14, 1864.

The amendment recommended by the committee was read, as follows:

After the word "sixty-four," in line 7, insert: "Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

CHARLES STIERLIN.

The next business on the Private Calendar was the bill (S. 63) for the relief of Charles Stierlin.

The bill was read, as follows:

Be it enacted, etc., That Charles Stierlin, late second lieutenant, Battery L, First Missouri Artillery, shall be considered and held to have been honorably discharged from the service of the United States March

16, 1864, and an honorable discharge shall be issued to him of that date: *Provided*, That this act shall not be construed to entitle him to any pay, compensation, or allowances.

The bill was ordered to a third reading; it was accordingly read the third time, and passed.

RELIEF OF THE MISSION OF ST. JAMES, IN THE STATE OF WASHINGTON.

The next business on the Private Calendar was the bill (H. R. 1520) for the relief of the Mission of St. James, in the State of Washington.

The bill was read, as follows:

Whereas Congress, in the act entitled "An act to establish the Territorial government of Oregon," approved on the 14th of August, 1848, provided "that the title to the land, not exceeding 640 acres, now occupied as missionary stations among the Indian tribes in said Territory, together with the improvements thereon, be confirmed and established in the several religious societies to which said missionary societies, respectively, belong," and by the act entitled "An act to establish the Territorial government of Washington," approved on the 2d of March, 1853, provided "that the title to the land, not exceeding 640 acres, now occupied as missionary stations among the Indian tribes in said Territory, or that may have been so occupied as missionary stations prior to the passage of the act establishing the Territorial government of Oregon, together with the improvements thereon, be, and is hereby, confirmed and established to the several religious societies to which said missionary societies, respectively, belong;" and

Whereas the Secretary of the Interior, under date of January 29, 1872, after reviewing the testimony adduced and the law in the case, acknowledged the existence of a Catholic mission, known as the "Mission of St. James," at Vancouver, Territory of Washington, at the date of the passage of the act of August 14, 1848, within the meaning and provision of the aforesaid acts; and

Whereas by order of the Commissioner of the General Land Office, dated September 29, 1859, there was made a survey of the said claim, and a plat thereof, dated December —, 1861, approved by the surveyor-general of Washington Territory, was forwarded and is now on file in the General Land Office, such survey placing the mission improvements as near the center of the claim as possible, and interfering with no prior legal rights; and

Whereas the Government of the United States having occupied a large portion of the said land for the purpose of a military post, and having expended a large amount of public money to establish and maintain a military reservation thereon, notwithstanding the fact that the absolute fee and title to said land vested in the Mission of St. James, under the provisions of the acts of Congress of August 14, 1848, and March 2, 1853: Therefore

Be it enacted, etc., That there shall be paid, out of any money in the Treasury not otherwise appropriated, to the Right Reverend Bishop of Nesqually, in the State of Washington, as trustee of the said Mission of St. James, the sum of \$200,000 upon filing in the proper Department a release to the United States, to be approved by the Attorney-General, of all claim to the land embraced within the limits of the military reservation at Vancouver, in the State of Washington, and of all claim for damages for destruction of property on or near the said land by the United States troops or volunteers or Indians at any time anterior to the date of said release.

The amendments recommended by the committee were read, as follows:

First. To strike out, on page 2, lines 5 and 6 of the last paragraph of the preamble, the words "the absolute fee and title to the said land vested in the Mission of St. James" and insert in lieu thereof the following: "the Mission of St. James claimed the title thereto;" so as to make that paragraph read:

"Whereas the Government of the United States having occupied a large portion of said land for the purpose of a military post, and having expended a large amount of public money to establish and maintain a military reservation thereon, notwithstanding the fact that the Mission of St. James claimed the title thereto, under the provisions of the acts of Congress of August 14, 1848, and March 2, 1853: Therefore,"

Second. To strike out on page 3, lines 3 and 4, the words "two hundred thousand" and insert in lieu thereof the following: "forty-five thousand."

Your committee therefore suggest that the bill be amended so as to conform to the foregoing recommendations and be reported to the House.

Mr. BARTLETT. I will ask the gentleman from Washington, Mr. Speaker, to explain this bill to the House. He had partially done so last Saturday when the objection to it was raised, and it was passed over without prejudice at that time. I have not yet heard why the bill should pass.

Mr. JONES of Washington. Mr. Speaker, I will yield ten minutes to my colleague Mr. CUSHMAN, who is a member of the committee that reported this bill.

Mr. CUSHMAN. Mr. Speaker, this is a bill to reimburse the Catholic mission of St. James, in the State of Washington, for its equitable claim to some 430 acres of land in the State of Washington. Perhaps I can give the House a little general idea of the claim by giving a very brief history of the circumstances out of which the claim arose.

In the year 1838 the Catholic missionaries established a mission near what is now the city of Vancouver. That was then a part of the Territory of Oregon. Afterwards it was a part of what was the Territory and is now the State of Washington. In the year 1848, ten years after that mission was established, the organic act of the Territory of Oregon was passed which confirmed in each mission then established the title to not exceeding 640 acres of land occupied by said mission. This St. James mission had been established ten years at the time the organic act was passed.

After the organic act was passed the mission continued in possession of this land, where they had erected numerous buildings. Among others, in the nineteen different buildings which they had erected at this mission, were a church, a convent, an old ladies' asylum, an orphan asylum, a storehouse, a bakery, a workshop, and many other good and substantial buildings.

After they had established this mission the military authorities sent out a detachment of troops that were quartered at this same place, and, in 1850, about two years after the organic act of Oregon was passed and twelve years after the mission was established, the commandant of the military post issued a proclamation proclaiming this 640 acres and other lands to be a military reserve. A couple of years after that Congress, utterly ignoring the prior rights of this mission, passed an act creating a military reserve at this point, and including this 640 acres of land claimed by the mission.

The bishop of Nesqually, the Rev. Edward J. O'Dea, commenced legal proceedings to confirm the title to this 640 acres of land in the mission. That case went to the Supreme Court of the United States and is known as the case of the Bishop of Nesqually against Gibbon and others, found at page 155 of 158 United States Supreme Court Reports.

I wish to state frankly to the House that in that decision made by the United States Supreme Court the court did not find that the mission was entitled to this 640 acres of ground. We are presenting this claim here as an equitable rather than a legal claim. The reason the Supreme Court failed to find the legal title in the mission to this 640 acres of land was, I think, because of the unfortunate method in which the case was prepared and presented to the United States Supreme Court.

The claim was presented by ex-Attorney-General Garland upon the theory that, as the unquestioned fact existed that this mission had been established and that the organic act confirmed in all missions then established 640 acres of ground, or the title thereto, he felt that it was only necessary for him to show these two points. The Supreme Court, however, took the ground that it was not sufficient merely to show that this mission was founded and was in existence when the organic act was passed, but in addition thereto it was necessary to show that the mission was in complete occupancy of the entire 640 acres. And the court finally determined that it was only shown by the record in the case that they were in actual possession of the one-half acre upon which they had built a church.

Now, the facts are, as abundantly shown to this committee by the unquestioned records, that they had constructed on this land nineteen separate and substantial buildings. Among other things they had planted an orchard of 7 acres, and I think the contention that they were not in permanent occupancy of any more than one-half acre is answered by the fact that among other things they had established a cemetery of about 5 acres. Now, for my part, I can not conceive of any character of occupancy of real estate that is any more permanent in its character than that of a cemetery. [Laughter and applause.]

The Committee on Private Land Claims considered this case very carefully. These people in the first instance asked for \$200,000, which would be a modest estimate of the value of this 640-acre tract, which abuts upon the city of Vancouver, one of the substantial cities of the State of Washington. But the Committee on Private Land Claims said they did not think under the peculiar circumstances surrounding this case that we should report a bill for \$200,000, but we did report a bill, based upon the equitable claim of these people, for \$45,000.

Mr. LIND. Will the gentleman yield for a question?

Mr. CUSHMAN. Certainly.

Mr. LIND. Upon what do you base that valuation?

Mr. CUSHMAN. I shall be glad to answer the gentleman's question. In the first place, the uncontradicted testimony showed that these missionaries had erected there buildings of the value of \$25,000, which buildings were taken possession of and occupied, and some of them destroyed, by the United States troops. That constitutes \$25,000 of the \$45,000 in this bill as reported by our committee. The remaining \$20,000 is represented by 430 acres of the 640 acres, at a basis of \$46 per acre. That would make something over \$19,000—in round numbers \$20,000—for 430 acres of land, which, added to \$25,000 for the buildings, make \$45,000. You will observe that in this bill we only ask pay for the improvements and pay for 430 acres of land, and not 640 acres. The reason for that is that various citizens of the State of Washington, recognizing the title of the mission to this land, have bought from the mission and paid for 210 acres of this land. We do not ask pay for that twice.

Mr. LIND. Let me ask the gentleman, when was that decision of the court rendered?

Mr. CUSHMAN. This claim has been in court for a number of years, and the final decision made by the United States Su-

preme Court was made, I think, in the year of 1895. The case was started, I think, about the year 1887.

Mr. LIND. When was the claim first brought before Congress?

Mr. CUSHMAN. It was brought before Congress a short time after the adverse decision was rendered by the Supreme Court. I first came into Congress in 1899, on the 4th day of March, and this claim was pending here at that time, and our committee, after a most careful examination of this claim, have twice reported a bill favorably to pay these people \$45,000 for the damage they have sustained.

Mr. LIND. Why should not this claim take the course that other claims of that character usually do, by being referred to the Court of Claims?

Mr. CUSHMAN. I will say that we were acting directly under a precedent established by Congress in the Thirty-sixth Congress.

Mr. LIND. But we did not have a court of claims at that time.

Mr. CUSHMAN. That may be, but the fact that we have a Court of Claims now is no reason why this Congress may not consider an equitable claim. And we are pressing this as an equitable and not a legal claim.

Mr. LIND. I will suggest that I know of thousands of claims that are now pending before the Court of Claims that are equitable.

Mr. CUSHMAN. That may be true, but does the gentleman think that the military authorities of the United States should be permitted to take what belonged to this mission and forcibly eject these people from this land on which they first settled and to which they have an equitable title and a moral right?

Mr. LIND. That is not my question at all. What I would like to know is in what respect this claim is different from others that are habitually referred to the Court of Claims, and for the determination of which the Court of Claims is established.

Mr. CUSHMAN. I just stated that one reason why we adopted this method was because we were following in direct line with the precedent established in the Thirty-sixth Congress. Provision was then made by Congress to reimburse the Methodist mission for land that they owned at The Dalles, in Oregon. The Methodist mission at The Dalles had secured their title to 640 acres of land in exactly the same way this St. James mission secured their title to 640 acres of land; and the Methodist mission lost their land just as these people here lost theirs, that is, by the military authorities taking forcible possession of it. The land in the case of the Methodist mission was paid for by Congress by an appropriation of \$46 per acre for the land which was taken, and the land taken in that case is not nearly as valuable as the land taken in this case.

Now, there is one other point to which I would like to call the attention of the Members of the House, and that is that the Supreme Court has already confirmed the absolute title of these people to this half acre of ground, which half acre is to-day located in the center of the military reservation of the United States. They have a right to that half acre, with the right of ingress and egress to that property, and if their title shall remain in that unquestioned, that fact will to a large extent destroy the uses and the value of that military reservation. And the value of that military reservation is ten or twenty times greater than the amount of this claim.

Mr. BARTLETT. May I suggest to the gentleman that the fact that the Government does not own that piece of land in the middle of the reservation is not so very important, because the Government can condemn it by paying a reasonable price for it? In other words, it is not necessary to pass this bill in this manner, where all the evidence is ex parte so far as the Government is concerned, in order for the Government to get a half acre of ground in the middle of it; because if that is true, the Government has the sovereign power to condemn the property.

Mr. CUSHMAN. I will say to the gentleman that there is even an easier way than that. The Government can take forcible possession of the half acre without any condemnation proceedings, just as it took possession of the 639½ acres. [Laughter.]

Mr. BARTLETT. I did not suggest that, because it is not the right of the Government to take private property for public use without just compensation.

Mr. CUSHMAN. And yet the Government has already done that very thing that the gentleman has spoken of in this case; and it is by reason of that that we ask for the passage of this bill.

Mr. BARTLETT. But the gentleman from Washington must recognize the decision to which he has just referred, where the Government is charged with having illegally taken possession of

this land—that their right to it has been sustained by the decision of the Supreme Court.

Mr. CUSHMAN. I will say to the gentleman, as I said to the House, that our committee, in the consideration of this bill, considered it merely from an equitable standpoint. It was unfortunate that at the time the case went to the Supreme Court it was presented in the manner that it was.

Mr. BARTLETT. I want to say to the gentleman from Washington that the gentleman he has referred to as representing these claimants was a gentleman who stood high in the legal profession and who was distinguished as an able Attorney-General of this Government.

Mr. CUSHMAN. There is no question about that, and yet the unquestioned records of our Territory and our State show that these people were in possession of that land before military authorities went there; that they had erected and constructed nineteen different buildings; that they had built a church; that they had planted a 5-acre orchard; that they had established a cemetery, and had 46 acres of this land that they used for pasture, and all that sort of thing. And in spite of all that the Government came in and took possession of this land under which these people had the right and title by the organic act of Oregon.

Congress has already recognized a similar claim, which is the case of the Methodist mission in Oregon; and in that case Congress appropriated \$20,000 to pay the Methodist mission, \$16,000 for the value of their land and \$4,000 for their improvements.

Mr. BARTLETT. Mr. Speaker, I do not call attention to that, but the gentleman seems to rest a good deal upon the proposition that the Government took part of these people's property in the center of their reservation, and that therefore they would have the right of ingress and egress, and the Government would have the right to retain it and pay for it.

Mr. SOUTHWARD. What was the nature of this action brought to get possession of this land?

Mr. CUSHMAN. It was in the nature of a proceeding in ejectment, to eject the militia with a prayer in equity to have the legal title to the land confirmed in the mission.

Mr. BARTLETT. Then it is true that the equitable phases of this claim have been passed on and considered by a court?

Mr. CUSHMAN. No; the legal title has been passed upon.

Mr. BARTLETT. I understood the gentleman to say that it was an action in ejectment and also an inquiry into the equitable rights of the parties.

Mr. CUSHMAN. Oh, any proceeding in court to confirm a title is necessarily an action equitable in its character. And yet, in this case, through unfortunate circumstances, the result of this equitable proceeding was about as inequitable as it could possibly be. The facts that stand out very prominently in this case, that have never been denied and can not be denied, are that the missionaries went to this country in 1838 and founded this mission; that afterwards, in 1848, the organic act confirmed in them title to 640 acres of land, and subsequently the military authorities took away from them all of that land except about one-half an acre, and in the last year or two they have been crowded off that half acre.

Mr. BARTLETT. The gentleman speaks of taking the land away from them. How did they take it?

Mr. CUSHMAN. Just simply moved in and proceeded to build barracks and quarters for soldiers there.

Mr. BARTLETT. Without any authority whatever?

Mr. CUSHMAN. Without any authority whatever, and within the last few years, the first monument that these people had erected in the interests of civilization—the first church that pointed its spire toward heaven in our State—was burned under very peculiar circumstances, to say the least. They have simply taken possession violently. In conclusion I merely wish to place in the Record a memorandum of this Methodist Mission case in Oregon, in which Congress made an appropriation to pay them, the same as we now ask Congress to do in this case. The Methodist Mission case was covered by a bill, being H. R. 374, Thirty-sixth Congress, first session, and was favorably reported from the House Committee on Military Affairs, House Report No. 120, Thirty-sixth Congress, first session, and was afterwards passed by Congress. That act was approved June 18, 1860, by President Andrew Johnson. (See proceedings of the 36th Cong., 1st sess., p. 3134.)

I now yield, Mr. Speaker, to my colleague from the State of Washington [Mr. JONES].

The SPEAKER. The question is on agreeing to the amendments to the bill.

Mr. BARTLETT. Mr. Speaker, let us hear what they are.

The SPEAKER. The Clerk will report the amendments. The Clerk again reported the committee amendments.

Mr. LIND. Mr. Speaker, I desire to offer an amendment to the proposed amendment, to substitute "twenty-five thousand" instead of "forty-five thousand."

Mr. JONES of Washington. Mr. Speaker, I do not think I can yield for that.

The SPEAKER. The gentleman is entitled to his time. As the gentleman is aware, if the bill is ready for action, an amendment if germane, would be in order, unless the gentleman from Washington demands the previous question.

Mr. LIND. Mr. Speaker, I do not care, if the gentleman does not desire to yield.

Mr. JONES of Washington. I yield to the gentleman, that he may offer an amendment.

The SPEAKER. The Clerk will report the amendment the gentleman from Minnesota offers.

The Clerk read as follows:

Amend the committee amendment by striking out "forty-five" and inserting "twenty-five."

Mr. LIND rose.

The SPEAKER. Does the gentleman yield?

Mr. JONES of Washington. How much time does the gentleman want?

Mr. LIND. One minute.

Mr. JONES of Washington. I yield to the gentleman for one minute.

Mr. LIND. Mr. Speaker, it seems to me that this bill ought not to be here at all. We have a Court of Claims for the determination of questions of this character. I think it is very unwise for this House to assume to revise the decisions of the Supreme Court. Granting all the gentleman claims, that this society had erected buildings to the value of \$25,000, he ought to be content with that amount. In addition to reimbursing it for the building which it alleged were taken, I can not consent that we pay for 480 acres of land which the Supreme Court of the United States has said it had no title to.

Mr. JONES of Washington. Mr. Speaker, I want to say to the gentleman from Minnesota [Mr. LIND] that the committee has cut down almost the entire claim here. Under the act of Congress these people were entitled not alone to what they actually occupied, it seems to me, but to an amount not exceeding 640 acres, and the testimony shows that they had exceeding a half acre, 5 or 6 acres for some purposes, and 7 or 8 acres for others, and the lowest estimate given for improvements alone, the houses and buildings, regardless of the land, is \$25,000. Therefore it seems to me that it is unreasonable for this House to say that we will simply give them the value of their improvements. As was suggested by my colleague, the gentleman from Washington [Mr. CUSHMAN], in a similar case at The Dalles, in Oregon, where the Methodist Missionary Society was involved, Congress passed an act giving to them \$20,000, where the value of the improvements was estimated at \$4,000.

Now, to cut this society merely to the actual improvements seems to me not equitable. It is not fair; it is not just. Now, I do not think that the Court of Claims has any jurisdiction in a matter of this kind. I am not thoroughly familiar with the jurisdiction of that court, but this is in the nature of a tort on the part of the Government.

Mr. LIND. In the nature of what?

Mr. JONES of Washington. In the nature of a tort on the part of the Government.

Mr. LIND. Is it a tort on the part of the Government to take that which is its own by the decision of the highest court?

Mr. JONES of Washington. But the Supreme Court did not say it did not take something that was not its own. It did say this society was entitled to one-half acre of land, but this has been taken by the Government.

Mr. LIND. I think \$25,000 is pretty good pay for a half acre.

Mr. JONES of Washington. It is not pay for a half acre. I do not know under what circumstances this case was sent to the United States Supreme Court. It has been suggested here that Attorney-General Garland did not get his record in shape. I do not believe he got this case in shape in the lower courts. He took it when it came to the Supreme Court of the United States on the record made in the lower court.

Mr. LIND. I wish to say I do not know a thing about the case, either about the merits—

Mr. JONES of Washington. I am satisfied of that.

Mr. LIND. Except as it appears before the House in this report and on the decision of the Supreme Court of the United States, and as it so appears I say that so far as my judgment goes this House ought not to determine it at all. It ought to go to the Court of Claims. I would be perfectly willing to recognize the equities of the claim of the society if there be equities, and let it be adjudicated on that basis, but I do not think it is wise for this House to assume to revise a judgment of the

Supreme Court of the United States. If we insist on doing it I say allow \$25,000. This is the estimate for the actual property taken and no more. I have no feeling in the matter at all.

Mr. JONES of Washington. I understand; but the gentleman is mistaken, however, if he says this is our own value of the property taken. These buildings were put up there at an expense of \$25,000 without reference to the value of the land. This land itself, however, is very valuable, being estimated as worth \$5,000 per acre.

Mr. PAYNE. But the Government does not get a half acre.

Mr. JONES of Washington. Yes, sir; the entire military reservation.

Mr. PAYNE. The Supreme Court decided, I understand, that belonged to these men.

Mr. MANN. Will the gentleman yield for a question—

Mr. PAYNE. We do not get title under this bill.

Mr. JONES of Washington. They have got it.

Mr. MANN. If the Government does take private property belonging to anyone in the country under the law, can not the private owner file a claim in the Court of Claims and recover judgment?

Mr. JONES of Washington. The gentleman is better able to answer than I am.

Mr. MANN. I will inform the gentleman there is no possible question about that. If the Government does seize private property under such circumstances they have a remedy.

Mr. JONES of Washington. Mr. Speaker, I ask for a vote. I do not think the amendment ought to be adopted.

The SPEAKER. The question is on the amendment to the amendment offered by the gentleman from Minnesota.

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. LIND and Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 63, noes 35.

So the amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the amendment as amendment.

The question was taken; and the amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was read the time.

Mr. DALZELL. Mr. Speaker, let us have a vote on the passage of the bill.

The SPEAKER. Without objection, the preamble will be amended as proposed. [After a pause.] The Chair hears no objection.

The question was taken on the passage of the bill; and the Speaker announced that the yeas seemed to have it.

Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 51, noes 32.

So the bill was passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

M. L. SKIDMORE.

The next business on the Private Calendar was the bill (S. 6733) for the relief of M. L. Skidmore.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$104.94 be refunded to M. L. Skidmore, of Gaston County, N. C., by the United States Treasury, the same being for internal-revenue stamps purchased by him from the United States Government to cover taxes on two several packages of spirits, Nos. 138 and 139, produced in the month of May, 1896, by the said Skidmore, which stamps were lost in the mail and never received by him.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

WILLIAM H. BEALL.

The next business on the Private Calendar under the order was the bill (H. R. 13944) for the relief of William H. Beall.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to place on the records as having been honorably discharged the name of William H. Beall, late a paymaster's steward on gunboat Fairplay, and issue to him a discharge to bear date of August 15, 1863.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

JAMES MITCHELL.

The next business on the Private Calendar under the order was the bill (H. R. 18816) for the relief of the estate of James Mitchell, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue registered bonds of the 3 per cent loan of 1908 to 1918 in favor of the estate of James Mitchell, with interest from February 1, 1901, in lieu of United States 3 per cent coupon bonds of said loan, for \$100 each, numbered 46375, 46376, 46377, 46378, and 46379: *Provided,* That the administrator of said estate shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and the unpaid interest coupons of the said bonds, in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify the United States against loss on account of said original coupon bonds.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

MARION WESCOTT, F. F. GREEN, AND J. A. LEIGE.

The next business on the Private Calendar under the order was the bill (H. R. 14327) for the relief of Indian Traders Marion Wescott, F. F. Green, and J. A. Leige.

Mr. STEPHENS of Texas. Mr. Speaker, I would like to have an explanation of that bill. What committee reported it?

The SPEAKER. The Committee on Indian Affairs.

Mr. STEPHENS of Texas. I do not remember the bill. I would like to have some explanation of it. I ask that it be laid aside at present without prejudice.

The SPEAKER. Without objection, the bill will be passed for the present without prejudice. The Clerk will report the next bill.

NELSON S. BOWDISH.

The next business on the Private Calendar under the order was the bill for the relief of Nelson S. Bowdish.

The Clerk read as follows:

Be it enacted, etc., That Nelson S. Bowdish shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a second lieutenant of the Forty-third New York Infantry Volunteers on the 5th day of September, 1861, and that the charge of "absent without leave" standing against him upon the records of said regiment shall hereafter be held and considered to be erroneous and without effect: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

Mr. FINLEY. Mr. Speaker, I would like to have an explanation of this bill.

Mr. BRADLEY. Mr. Speaker, may I briefly explain to the gentleman?

The SPEAKER. The gentleman from New York [Mr. BRADLEY] is recognized.

Mr. BRADLEY. This is a peculiar and yet simple case, growing out of ignorance on the part of Nelson S. Bowdish of military regulations, an ignorance that generally prevailed during the summer of 1861. Nelson S. Bowdish recruited a company, or nearly a full complement of a company, and at his own expense reported with them to the adjutant-general at Albany, N. Y. This man, with his partial company, was mustered into the Forty-third New York Volunteers as a second lieutenant, and on leave of absence was sent into a northern county of the State for the purpose of recruiting more men. While engaged in this work an order was sent to him to report to his regiment, that would leave for the front on a certain day. He received the order after the regiment had left. In his ignorance he went forward recruiting until he had nearly another company. He took this almost completed company to Albany and was mustered in as a first lieutenant, with his men, in the Third New York Light Battery. He was not aware that on December 28, 1861, by special order he was dropped from the rolls of the Forty-third New York Volunteers for absence without leave. He had then been in the service, commissioned as a first lieutenant, and with his regiment had been at the seat of war since November 12, seven weeks prior to his being dropped from the rolls.

Mr. FINLEY. What amount of service did he perform after that time?

Mr. BRADLEY. Two and one-half years of service after that time; and he was honorably discharged while adjutant of his regiment on a surgeon's certificate for disability.

Mr. FINLEY. Was he mustered into the Forty-third New York regularly?

Mr. BRADLEY. Yes.

Mr. FINLEY. Then he was regularly mustered in twice?

Mr. BRADLEY. He was mustered in twice. It was in the year 1861, when a great ignorance seemed to prevail of military regulations.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

JAMES WAHKIACUS.

The next business on the Private Calendar under the order was the bill (H. R. 18492) to authorize the Secretary of the Interior to cancel the trust patent issued to James Wahkiacus.

The Clerk read the bill, as follows:

Whereas a trust patent was erroneously issued to James Wahkiacus August 7, 1893, on his allotment application No. 5, Vancouver, Wash., series, for the southeast quarter of section 22, township 4 north, range 13 east, Willamette meridian, which land was then and is now included in the preemption cash entry of Lewis C. Wright, who now occupies the land and who had placed valuable improvements thereon before the filing of the application of James Wahkiacus; and Whereas the Secretary of the Interior is not authorized by the act of April 23, 1904, to cancel the said trust patent for the above-stated cause: Therefore,

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cancel said trust patent issued to James Wahkiacus for the land above described, and such cancellation shall be effective when made on the records of the General Land Office.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

CENTRAL RAILROAD COMPANY OF NEW JERSEY.

The next business on the Private Calendar was the bill (S. 5902) for the relief of the Central Railroad of New Jersey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Central Railroad Company of New Jersey the sum of \$709, out of any money in the Treasury not otherwise appropriated, the same being the amount collected by mistake from the said Central Railroad Company of New Jersey by the deputy collector of the United States customs for the port of New York on March 23, 1904, on account of an alleged violation of said railroad's obligation as a carrier of unappraised merchandise under bond.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

ALEXANDER G. PENDLETON, JR.

The next business on the Private Calendar was the bill (H. R. 17983) authorizing the President to reinstate Alexander G. Pendleton, jr., as a cadet in the United States Military Academy.

The bill was read, as follows:

Be it enacted, etc., That the President is hereby authorized to reinstate former cadet Alexander G. Pendleton, jr., to the United States Military Academy at West Point on or at any day after the 11th day of June, 1905.

Mr. FITZGERALD. Mr. Speaker, I would like to have an explanation of this bill.

Mr. HULL. Mr. Speaker, this young gentleman some three years ago or more happened to have been found guilty of technical hazing.

Mr. FITZGERALD. What is "technical hazing?"

Mr. HULL. It was only a technical indiscretion under the law. Only recently, the gentleman will remember, three cadets of the Naval Academy were commissioned in the Navy with their own class. This does not do that. This lets him finish his course at West Point and stand with the class that he graduates in. He has lost all these files. He has been punished exceedingly severely for all that was proved against him, and it is only just that he be allowed to complete his course, especially in view of the action of the House on a former occasion.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

B. JACKMAN.

The next business on the Private Calendar was the bill (S. 3790) for the relief of B. Jackman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to B. Jackman, agent of the Maine Central Railroad Company, Vanceboro, Me., the sum of \$1,678.88 for refund of duties paid on 1,499 cases of condensed milk erroneously entered for consumption and shipped in transit through the United States to Dawson, Yukon Territory.

Sec. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$1,678.88 for the purposes specified in this act.

Mr. DALZELL. That bill, Mr. Speaker, I think certainly does not come within the rule. It comes from the Committee on Claims.

Mr. GRAFF. I desire to call the attention of the gentleman from Pennsylvania to the fact that the resolution under which we are acting permits the consideration of bills from the Com-

mittee on Claims which have to do with lost checks, bonds, and stamps—

Mr. DALZELL. This does not have to do with that.

Mr. GRAFF. If it comes from our committee.

The SPEAKER pro tempore (Mr. MANN). This is a refunding of duties. The Chair is of the opinion that it does not come within the rule; and the point of order raised by the gentleman from Pennsylvania is sustained.

FRANCIS S. NASH.

The next business was the bill (S. 5771) to reinstate Francis S. Nash as a surgeon in the Navy.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Francis S. Nash a surgeon in the Navy, to take rank next after Surg. Henry B. Pitts, said Nash having resigned from the Medical Corps of the Navy after fourteen years' service.

SEC. 2. That said Nash shall receive no pay or emoluments except from the date of his appointment, and that he shall be additional to the number of officers prescribed by law for the grade of surgeon in the Navy and to any grade to which he may hereafter be advanced: *Provided*, That he pass successfully the physical examination required for entrance into the service and the professional examinations he would have had to pass had he remained on the active list of the Navy.

Mr. FITZGERALD. I ask that this bill be explained. It is adding an additional man to the list.

Mr. BRANDEGEE. I ask for the reading of the report.

Mr. BENTON. I understand the gentleman from New York wants an explanation of the bill.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut.

Mr. BRANDEGEE. I call for the reading of the report.

Mr. DALZELL. Does not that bill fall within the excepted class?

Mr. FITZGERALD. Under the ruling made last week this would entitle him to a promotion.

Mr. DALZELL. He has no grade now, and this proposes to give him a grade.

Mr. BRANDEGEE. I am not familiar with the language of the bill. If it does not come within the rule I do not ask for its consideration.

The SPEAKER pro tempore. The Clerk will read the report.

The report (by Mr. MEYER of Louisiana) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 5771) to reinstate Francis S. Nash as a surgeon in the Navy, having considered the same, report thereon with a recommendation that it pass, and adopt as part of their report the Senate report on said bill, as follows:

[Senate Report No. 3786, Fifty-eighth Congress, third session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 5771) to reinstate Francis S. Nash as a surgeon in the Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Surgeon-General of the Navy, as will appear by the following letter:

NAVY DEPARTMENT,
Washington, January 19, 1905.

SIR: Referring to Senate bill No. 5771, which was sent to the Department on December 12, 1904, for a report, and which provides for the reinstatement of Francis S. Nash as a surgeon in the Navy, I have the honor to state that the Department, under date of February 3, 1904, addressed to your committee a letter concerning a joint resolution (S. R. 33) authorizing the President to appoint Doctor Nash as a surgeon in the Navy, wherein, for the reasons stated, it recommended against the proposed legislation.

The Bureau of Navigation is opposed to the bill for the reasons given in a communication under date of January 28, 1904, as follows:

"The records of the Bureau show that he (Doctor Nash) resigned for purely personal reasons. The Bureau considers that it would establish a bad precedent to return Doctor Nash to the naval service in accordance with the provisions of this bill. Doctor Nash has been out of the naval service for more than twelve years, during which time his contemporaries have been doing active duty in the Navy, including their share of sea duty. Putting Doctor Nash on the Navy list as additional number would not interfere with the promotion of officers, but it would interfere with their precedence, which is of value. While the Navy may be in need of surgeons, the resulting good of adding one surgeon to the list would not warrant the injury done by establishing the precedent of placing anyone on the Navy list with high rank after having resigned for personal reasons and remained out of the service for a long period of time."

Attention is, however, invited to the report quoted below, which was made under date of January 23, 1904, by the Surgeon-General of the Navy with reference to the above-mentioned resolution, viz:

"Dr. Francis S. Nash has a creditable record in the service of the Navy of thirteen and eleven-twelfths years, resigning for personal reasons November 28, 1891. Since then he has been actively engaged in the practice of his profession, having been an army contract surgeon since the early part of the Spanish-American war. At the beginning of this war he volunteered to take his old position in the Navy. This Bureau is in need of additional officers and will be until those allowed by the last Congress shall have been commissioned, and the total number will not be commissioned until 1908.

"As it is believed that this bill would not injure the standing of any medical officer in the Navy, and as Doctor Nash has nearly thirteen years to serve on the active list, the Bureau recommends that he be given a commission as an additional number as recommended in this bill, with the proviso that he pass successfully the physical examination required for entrance to the service and the professional examinations he would have had to pass had he remained on the active list of the Navy."

The Bureau of Medicine and Surgery, in an indorsement dated December 15, 1904, invites the attention of the Department to its indorsement of January 23, quoted above, and, for the reasons expressed in that indorsement, approves Senate bill 5771.

Very respectfully,

PAUL MORTON,
Secretary.

HON. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. BRANDEGEE. That comes clearly within the rule.

Mr. DALZELL. I believe it does.

Mr. BRANDEGEE. It does not involve a person in the Army or Navy under the language of the bill.

Mr. BENTON. What is the question the gentleman raises?

Mr. GROSVENOR. There is no question raised now.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BENTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES HOUSELMAN.

The next business on the Private Calendar was the bill (H. R. 815) to correct the military record of James Houseelman.

The bill was read, as follows:

Be it enacted, etc., That all orders dismissing James Houseelman, second lieutenant Company H, Sixty-sixth Regiment Illinois Volunteer Infantry, from the service of the United States be, and the same are hereby, set aside, and that the Secretary of War be, and hereby is, authorized and directed to issue to him an honorable discharge as of December 7, 1862.

Mr. GROSVENOR. Mr. Speaker, I would like to know what the meaning of that digging up of ancient action on the part of the War Department is based upon, at least.

Mr. PRINCE. Mr. Speaker, in answer to the inquiry of the gentleman from Ohio I would state this: James Houseelman was directed, under orders of his captain, to go with two comrades in search of a comrade that was out of his mind, by the name of Beatty. While in search of this unfortunate crazy man he met a company of foragers, I believe, of the same brigade. He asked these foragers if they had seen this crazy man. They reported they had not. At that time there rode up Generals Logan, McPherson, and Grant. This occurred about the 6th or 7th of December, 1862, near Oxford, Miss.

The general ordered them all under arrest. They were sent to the guardhouse, and the next morning or the morning thereafter this officer was dismissed, without a trial of any kind. He sought to make explanation, but they would not listen to the explanation at that time. It was in the early days of the war, when the officers in charge had issued strict orders against foraging and against stragglers. The evidence discloses the fact that he was in the line of his duty, seeking to restore to the ranks or to the camp this unfortunate crazy man, and that he took no part whatever in the foraging. Men who were taking part in the foraging state that they did steal some turkeys; that this man had nothing whatever to do with the taking of the turkeys, was in no sense connected with them, but was arrested and dismissed for being in the line of his duty, seeking to find and take back to camp an unfortunate crazy man.

Immediately after this order was issued dismissing him, his captain prepared a paper, had it signed by a number of the officers, and started to the tent of General Grant to make explanations. They were then preparing to move toward Vicksburg, and were unable to get the ear of the General at that time. This man dropped out of the service, and that was the end of the case.

We thought under the circumstances, these officers testifying by affidavit that this man was in the line of his duty, that he was a good officer, that he had committed no offense, that he was summarily dismissed without an opportunity to explain what he had done, he ought now to be given an honorable discharge. Those are the facts, as nearly as I can give them to the gentleman from Ohio.

Mr. GROSVENOR. Is this the first time an effort has been made to change that order of the War Department?

Mr. PRINCE. No; I think the first efforts were made in 1887, when affidavits were made.

Mr. GROSVENOR. While some of these people were alive?

Mr. PRINCE. The captain, the lieutenant, and his comrades have stated these facts, and they are a part of the record that is before the gentleman in the report.

Mr. GROSVENOR. Can the gentleman state now that an earlier effort was made to get this matter set right?

Mr. PRINCE. I think not, prior to 1887.

Mr. GROSVENOR. After everybody connected with the issuance of the order was dead.

Mr. PRINCE. The officer who made the order testifies, and his affidavit is there. The adjutant who carried the order under the direction of the captain testifies that he gave the order, and

there is no question in the world about the order being given. There is no question about his being in search of a crazy man. The crazy man is still alive, insane, and was insane at the time that this man was detailed to look for him.

Mr. GROSVENOR. Mr. Speaker, it is a very thankless job to object to the passage of bills of this character, but this bill does not stand upon a better foundation of fact than probably a thousand others would if they had been fortunate enough to obtain a report from the Committee on Military Affairs.

Mr. WARNER. Will the gentleman allow me to say a word?

Mr. PRINCE. If the gentleman from Ohio has finished what he wishes to say, I will yield to my colleague.

Mr. WARNER. I wish to make a statement to the gentleman from Ohio before he goes any further. I want to say that I was down in that part of the country at that time and know something of the circumstances.

That was in December, 1862. This Houselman was a green country boy, who volunteered in May or June, 1862, and by the partiality of his comrades was elected a lieutenant. He knew as little of military law as he did of Sanskrit. General Grant, at that time, as the gentleman will remember, was trying to force his way down through Mississippi to keep the Confederates away from General Sherman, who was ordered to attack Chickasaw Bayou on the 1st day of January, 1863. Van Dorn came around to the rear of Grant at Holly Springs, captured his depot of supplies, burned the railroad bridges, destroyed his line of communications, and General Grant was forced to retreat on Memphis and go down to Vicksburg that way. He had issued at that time a stringent order against foraging. He had troubles of his own. This man Houselman, according to the undisputed testimony (and there can be no question of its correctness, because it is in the shape of affidavits of his captain and the adjutant of the regiment who issued the order), was out hunting for an insane member of his company. He came onto these foragers, who, fortunately or unfortunately, had some chickens and turkeys in their possession. He asked them if they had seen anything of the crazy man, and just then General Grant rode up. He saw them violating red-handed his order. He was angry. He ordered the whole crowd under arrest and into Oxford, Miss., and the next morning he issued a special order dismissing Houselman, who was a commissioned officer, from the service.

The Army was then in an uproar or a turmoil of retreat. There was no time for a court-martial or for negotiation or diplomacy, and from that time until after the fall of Vicksburg General Grant had all he could attend to. Houselman, ignorant, a young country lad, dismissed from the service, got back home. He did not know of any means of getting redress. He knew he had been improperly dismissed, and now all of these officers who had anything to do with the order, except Grant, Logan, and McPherson, come in and make affidavit as to the truth of these statements. Here is one affidavit from the adjutant of the regiment who issued the order under the direction of the colonel. He says:

STATE OF ILLINOIS, Coles County, ss:

On the 21st day of July, A. D. 1891, personally appeared before me, clerk of the circuit court in and for the county and State aforesaid, Charles S. Chambers, whom I certify to be respectable and entitled to credit, who being by me first duly sworn according to law, says that he is the identical Charles S. Chambers who was adjutant of the Sixty-third Regiment Illinois Volunteer Infantry in the war of 1861-1865, and he further states that while the regiment (the Sixty-third Regiment Illinois Volunteer Infantry) were encamped at Oxford, Miss., in the month of December, 1862, he as adjutant of said regiment received an order from Joseph B. McCowan, lieutenant-colonel commanding the regiment, to detail one commissioned officer, one noncommissioned officer, and three privates to go out in the country and hunt up a private, the name of Samuel Beatty, of Company H, said regiment, who had become insane while the said regiment were stationed at Jackson, Tenn. I obeyed the order, and detailed Second Lieut. James Houselman, of Company H, said regiment, to take charge of said detail. Said Beatty belonged to Houselman's company, and I made the detail from Beatty's own company for the reason that I knew he knew him (Beatty) better than any other commissioned officer I could detail out of the regiment.

They proceeded to carry out the order, and while said Lieutenant Houselman and his detail were in the discharge of said order and their duty they accidentally ran across some other soldiers who it was supposed belonged to other regiments and who were out of camp foraging; or in other words they were appropriating all the chickens and turkeys, etc., belonging to the citizens that they could find, and while thus engaged said Lieutenant Houselman and his detail came upon them. They had been very successful in their foraging, it seems, for they were pretty well loaded with chickens, turkeys, etc., and were, it seems, just in the act of returning to camp when the two different parties met. Just about the same time a third party put in an appearance in the persons of Generals Grant, Logan, and McPherson, and seeing the soldiers all together they naturally supposed they were all on the same business. Lieutenant Houselman and his party, with the balance, were placed under arrest and sent back to camp. I think they were all placed in the guardhouse for a few days; at any rate it was not long when Houselman was dishonorably dismissed from the service without pay or emolument.

He was never allowed to make an explanation or utter one word in his defense, when he could, if he had been allowed to have done so, explained and proven the whole case satisfactory to any general commanding an army or any court-martial his entire innocence of all intention to commit any wrong in the premises. I knew Lieutenant Houselman well and I know him to have been a good and efficient officer and soldier. He obeyed orders strictly and was always ready for any duty he was called on to do; no matter what that duty was, he was always ready. He was universally kind and obliging, both to officers and privates, and was well liked by all the regiment who knew him.

And he further states that he has no interest in the prosecution of this claim, and his post-office address is Charleston, Coles County, Ill.

CHARLES S. CHAMBERS,

Late Adjutant Sixty-third Regiment Illinois Volunteer Infantry.

The circumstances are peculiar. I am confident that if this young man had had the experience that gentlemen on this floor have, when General Grant was President of the United States here in Washington, he would have made application and would have been reinstated if it had been in the power of General Grant to reinstate him. There were hundreds of such orders issued on the spur of the moment, and hundreds revoked by General Grant himself during that memorable campaign down through Mississippi, which was somewhat disastrous to General Grant.

In that connection I will tell of an army incident of that time. We had a surgeon in our regiment, Christopher Goodbrake. The orders were strict against foraging. We were ordered to protect the rights of the people of the South, trying to win them by fair treatment. General Grant rode up on a couple of soldiers of my regiment, the Twentieth Illinois, who were skinning a hog. He ordered them tied up by the thumbs. They were new to that sort of treatment, and they began to talk back to him. They said it was all right for a poor private soldier, if he killed a hog, to be tied up by the thumbs, but the officers could shoot all the hogs they wished to. General Grant asked them what officer they had seen shooting a hog, and they said they had seen Surgeon Goodbrake shoot a hog. General Grant sent back an order putting Goodbrake under arrest.

We were nervous and somewhat frightened, as we were expecting to go into action at any time and we wanted our surgeon with us. We sent a request to General Grant asking permission for Goodbrake to remain with the regiment, and he gave that permission, and that was the last we heard of it for about a year.

General Webster, of Grant's staff, was taken sick, and Grant, having learned of Goodbrake's skill and ability as a surgeon and physician, especially detailed him to attend General Webster. Webster became convalescent. One night down in Tennessee, by the camp fire, Goodbrake was walking back and forward. Grant was sitting on his camp stool, and finally Goodbrake turned to him and said: "General, why did you place me under arrest that time? Was it because I missed that infernal pig?" [Laughter.] That was the end of that arrest and that order.

Mr. GROSVENOR. Mr. Speaker, I want to be heard, but the gentleman from Illinois took me off the floor and yielded all the time to somebody else.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. GROSVENOR. This soldier appears in one breath to be an inexperienced young boy and in another a long-experienced, valuable soldier, who was always ready for service and who performed some mighty feats between July and December, which was the period of his service in the Army. Three great officers of the Army perpetrated this outrage. One was General Grant, the other was General McPherson, and the other was Gen. John A. Logan. After the war was over, presumably this knowledge in the possession of every one of these men, Grant was elected President, Logan was a Senator from Illinois during all the period of his life after the war. McPherson had been killed. They waited until the last man was dead before they attempted to get this relief. Here was a line of soldiery and officers, men with standing enough to get all these certificates—Grant, President; Logan, a great man—a word from whom, a mere hint from whom, would have been sufficient to relieve this man from the result of this court-martial.

Mr. WARNER. There was no court-martial.

Mr. GROSVENOR. Well, it amounts to the same thing; it was all the easier then because it could have been reversed by a mere suggestion. Now they come and impute all this wickedness to General Grant and General Logan.

Mr. WARNER. There is nothing of that kind attributed to either one of them. I desire to call attention to the fact that this bill has been before this Congress for ten years, ever since I came here, and we have been trying to get a hearing on it.

Mr. GROSVENOR. That is the very first question I asked.

Mr. PRINCE. The gentleman asked, if I recall it, when he first made application, and I said in 1887.

Mr. GROSVENOR. For the purpose of my argument, that is sufficient. Let us see what they say:

Gen. J. A. Logan, away from his command, and in a very impertinent way, demanded why he, said Houselman, was not with his company, and ordered him back to his company, which was but a short distance away. He said Logan was not willing to hear any explanation from said Houselman or the comrades with him, and in a few days, as he was informed at the time, had General Grant make an order dismissing said Houselman from the service with all pay and allowances.

I call the attention of the gentleman from Illinois [Mr. WARNER] to the fact that he was not deprived, and could not be deprived, of his pay and allowances by that order dismissing him, and yet the complaint was made that he was deprived of his pay and allowances.

Mr. WARNER. Let me say that he could be, because he was. He was something like that officer who was put in the guardhouse and who went to the general. The general said he could not be put in the guardhouse for that, but the man replied that he was already there.

Mr. GROSVENOR. The gentleman knows that over and over again where these dismissals took place the pay and allowances were recovered afterwards.

Mr. WARNER. Where proper steps were taken.

Mr. GROSVENOR. The simple step was to make the claim to the paymaster.

Mr. WARNER. It took some action on the part of the person who had been deprived of his pay.

Mr. GROSVENOR. Let us see what he says further about Logan. Logan now was the man, and Logan was the Illinois officer, and Logan was the Senator from Illinois, the gentleman with all power. Yet it does not appear that Logan was ever approached on this subject. Let us see what motive he attributes to John A. Logan:

He further states he believes Gen. John A. Logan, with all his greatness, acted through prejudice and spite against said regiment, and with mature deliberation would have refrained from such a harsh order.

Mr. WARNER. Does the gentleman say that Houselman says that?

Mr. GROSVENOR. No; but it is said in his behalf. It is an affidavit made by an officer of his regiment. Well, Mr. Speaker, if such is to be the case, if we are to go back—

Mr. LACEY. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Iowa?

Mr. GROSVENOR. Yes.

Mr. LACEY. Mr. Speaker, how many of Grant's soldiers does the gentleman think would have gone clear through to the end of the war if everybody who took a chicken or a turkey had been dismissed?

Mr. GROSVENOR. I never served in Grant's army, but that would have been a mighty hard thing in the army I did serve in. Mr. Speaker, I have done my duty. I have called up the fact that there are probably 2,500 cases quite as strong as this, and if we are going into it, I think we had better have another general amnesty to all men who disgraced the service during the war.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

G. G. MARTIN.

The next business on the Private Calendar, under the order, was the bill (S. 2560) for the relief of G. G. Martin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to issue to G. G. Martin, late lieutenant-colonel First United States Colored Troops, an honorable discharge as of date December 31, 1863.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

Mr. GROSVENOR. Mr. Speaker, I would like to know what this is about?

Mr. PRINCE. Mr. Speaker, in the case of Mr. Martin, he was the colonel of a colored regiment stationed, I think, near Norfolk or Portsmouth—I have not the exact place before me. In 1863, on Christmas eve, he and some of his fellow-officers did a little celebrating and drank a little more liquor than perhaps they ought to have done. Near by the camp lived his wife in a little cottage, and this officer had the right to make her home their joint home while the troops were stationed at that point. That evening after they had been drinking a little they went to a fair which was held either in Portsmouth or Norfolk. Present at that fair was Gen. Benjamin F. Butler, the officer in command. This officer walked up to Butler, and he smelled his breath—

Mr. CAPRON. Whose—Butler's? [Laughter.]

Mr. PRINCE. No; Butler smelled the officer's breath, and dismissed him from the service.

Within a day or two after he ordered him dismissed, without a trial—this officer who, under the evidence, had never drank anything before, and under the evidence before the committee never drank anything since, who was at that time a member of Plymouth Church, and his pastor was Henry Ward Beecher, and there is on file as part of the papers an autograph letter from Mr. Beecher asking action on the part of President Lincoln favorable to this man. President Lincoln ordered that the man be returned to his regiment and put in command. General Butler hearing of this order, telegraphed to the President that he was a drunken man and ought not to be restored to his command, and asked to have the order suspended, or insisted upon his order. President Lincoln approved of his first order to the extent of suspending the first order without the knowledge, so far as the papers show and any evidence that we can find.

General Butler insisted upon the man being separated from the service, and he was separated from the service by order of the Adjutant-General, but the facts were not called to the attention of President Lincoln. His order suspending the action of the commanding general, General Butler, still seemed to be in force and effect so far as the knowledge of the President was concerned, and the subsequent order of the Adjutant-General did remove the man from the service, approving the act of General Butler. Mr. Lincoln passed away. The matter was brought up again to President Johnson. He approved of the doing of what President Lincoln sought to do. No action has been taken looking to restoring the man. He made application at once within three or four days for removal of the charges against him. The proof is that the man was not a drinking man, and if the drinking and getting drunk on one occasion would warrant dismissal from the service without a trial, without an explanation, I am frank to say that a great many splendid men on both sides of that great contest would have been summarily dismissed from the service, and perhaps some of them on each side of that great contest later on might not have received the great credit that they have from the people of this country. Those are the facts as near as I can give them to the gentleman.

Mr. GROSVENOR. Mr. Speaker, it shows we are in the business of resurrection. Now, here is a man with presumably intelligence enough to be a colonel of a regiment. There has been no report received. The House is driven to this legislation, and while other Members of the House may perhaps have hundreds of these bills pending here is one that comes in here, it is said on yesterday, a Senate bill without any report, and it is to be put through. It is presumable that this man had intelligence enough to know something about what he had a right to do. He had a right to demand an investigation and a court of inquiry could not have been refused him, yet he has stood by for forty years and upwards and now comes when Butler is dead and Lincoln is dead and everybody else is dead and asks the Congress of the United States to take his unsupported testimony of a set of facts which go to show that all that was ever said of Butler was not half enough, and that Lincoln was a weak, cowardly man who would make an order and then stand by and know it was disobeyed absolutely, and a colonel of a regiment, who could have written a letter to Mr. Lincoln at any time on any day of the week, and who wrote him at no time, is now here forty years afterwards asking to be taken upon his own naked unsupported statement of the facts. If that is to be the case all I have got to say is I am just simply registering this particular protest applicable to all the cases of resurrection that are to come. The Committee on Military Affairs has given out word here that none of us could have any bills reported, and nobody has had any bills reported. Now, for some reason or other there are two or three of these favored bills coming in here and are to be put through on this occasion. I protest against it; it is utterly unfair, and in my judgment well calculate to demoralize the administration of military justice in this country if this sort of a thing can be done.

Mr. ROBINSON of Indiana. And I might suggest to my friend from Ohio we have one safeguard even if we should make a mistake in favor of some soldier who has gone forward in defense of his country and served his time, and that is in the Presidential veto of measures like this when a not meritorious one is sent to the House.

Mr. GROSVENOR. I think the House of Representatives ought not to shift its responsibility onto the Executive.

Mr. ROBINSON of Indiana. The gentleman does not understand me. I do not say that there should be any shifting of responsibility. I think the most liberal rule ought to obtain here in reference to soldiers who have gone forward, even after this lapse of years.

Mr. GROSVENOR. Does the gentleman think it would apply to a man who was tried or dismissed from the service by the

President of the United States, because my friend from Illinois has fallen into the blunder of believing that a major-general in command of a department could dismiss an officer from the service? That was impossible. It had to be done by order of the President through the Adjutant-General's Department here. Now, does the gentleman think that forty years afterwards we ought to go to work and undo all the matters of discipline that were done in those days?

Mr. ROBINSON of Indiana. I might suggest to the gentleman from Ohio [Mr. GROSVENOR] that I know of the necessity for discipline in the Army as well as in the House of Representatives, but I do not agree with the gentleman's strict discipline either in the Army or in the House of Representatives. But I think, after forty years, if a soldier has served meritoriously, it would require to be a pretty clear case before I would vote against granting relief even after that lapse of time.

Mr. GROSVENOR. The gentleman thinks that the longer he gets away from the facts of a case the stronger the case will grow?

Mr. ROBINSON of Indiana. I understand that the complaint of the gentleman here is not because these few bills are presented, but that Members can not get larger consideration of their own bills. I am in that category. I would like to have my bills considered, too.

Mr. PRINCE rose.

The SPEAKER pro tempore. Does the gentleman from Ohio [Mr. GROSVENOR] yield to the gentleman from Illinois [Mr. PRINCE]?

Mr. GROSVENOR. Certainly.

Mr. PRINCE. Mr. Speaker, I want to state this in fairness to the committee and the House, that this is a Senate bill, No. 2560; that it was reported to this House, and the number of the report is 4629. It was reported yesterday, and the bill that was reached just before this one was reported yesterday, and the report made. I am informed that the report has not yet come from the Printer. That is no fault of mine, nor is it the fault of the Committee on Military Affairs. We have presented the report, the Senate has made a full report, and the Military Secretary has rendered a report on it, and what I have said about President Lincoln changing and setting aside the order dismissing him from the service is a part of the military record of this man. It is not gotten up for the occasion. It is a part of the military record as detailed by the Military Secretary, coming from the record. Now, let me state it again, so that there will be no misunderstanding.

Mr. PADGETT. Will the gentleman from Illinois [Mr. PRINCE] yield for a question?

Mr. PRINCE. I will.

Mr. PADGETT. Why is it that the Committee on Military Affairs have adopted a uniform policy of refusing to report measures of this kind for Members of the House, and just at this time report these measures?

Mr. PRINCE. Why, I do not know that we have refused to pass upon bills for Members. I know that I have been in the committee room, and I have been visited by Members when I have been looking over their cases, and when quite frequently it appears there should be an adverse report Members say: "Please do not make an adverse report upon it." I presume I have looked over personally during this session seventy-five cases asking for the removal of the charge of desertion. There has been a meeting every week of one of the subcommittees on Saturday for the last three or four weeks, and I might say months. That committee has been ready and willing at all times to hear Members concerning these bills, and if they will come before that committee and present a certain bill and they will pick out the most meritorious bill we will pass upon that bill. But when we do look it through we will make an adverse report if an adverse report should be made. I have held myself open and ready and willing at all times to hear these cases, and I have tried to do so.

Mr. PADGETT. I will say to the gentleman from Illinois [Mr. PRINCE] that I have tried several times to get reports from the committee and have not been able to do so.

Mr. PRINCE. Has the gentleman from Tennessee [Mr. PADGETT] asked me for one?

Mr. PADGETT. Yes; incidentally.

Mr. PRINCE. Was that bill before my subcommittee?

Mr. PADGETT. I met the gentleman from Illinois [Mr. PRINCE] in the hall and asked him if we could get reports from the committee.

Mr. PRINCE. Did the gentleman ascertain whether it was before my subcommittee or not?

Mr. PADGETT. No; I did not find out.

Mr. PRINCE. There is more than one subcommittee on desertions.

Mr. PADGETT. The general understanding has been that the committee would not report bills to remove the charge of desertion, and things of that kind.

Mr. PRINCE. No; we have not taken that position. We have taken this position, that it would not be well to report a number of these cases because of a few that were reported at the last session, a great majority of which were vetoed by the President.

Mr. PADGETT. After those vetoes, has not the committee refused to report others?

Mr. PRINCE. I could not answer that the committee has refused to report any bill.

Mr. ROBINSON of Arkansas rose.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. PRINCE] yield to the gentleman from Arkansas [Mr. ROBINSON]?

Mr. GROSVENOR. I had yielded to the gentleman from Illinois myself to make a statement. I do not know where I am now.

Mr. PRINCE. This is a report made "by the gentleman from Illinois." I will take "his" time back and speak in my own time. I surely have some time of my own as the person who made the report.

The SPEAKER pro tempore. The gentleman from Ohio, the Chair will state, is entitled to the floor at this time if he desires it.

Mr. ROBINSON of Arkansas. I merely wanted to ask the gentleman from Illinois a question relating to the facts in this particular case. Will the gentleman from Ohio yield for me to ask that question?

Mr. GROSVENOR. Certainly.

Mr. ROBINSON of Arkansas. If I understood the gentleman correctly, he said that this order was originally made by General Butler because this officer had bad breath.

Mr. PRINCE. Yes.

Mr. ROBINSON of Arkansas. Have you personally investigated the evidence and found that to be the case?

Mr. PRINCE. I have no doubt that the man was under the influence of liquor when General Butler made that order.

Mr. ROBINSON of Arkansas. Was he drunk?

Mr. PRINCE. Some person would be quite drunk and insist that he was not. He was under the influence of liquor very evidently.

Mr. ROBINSON of Arkansas. I understand that General Butler discovered his bad breath and summarily dismissed him from the service.

Mr. PRINCE. Yes, sir. He approached General Butler, and he discovered he was under the influence of liquor.

Mr. ROBINSON of Arkansas. Is that all the evidence disclosed as to the condition of the officer?

Mr. PRINCE. He was not on duty at the time.

Mr. ROBINSON of Arkansas. That is all I desire to know.

Mr. GROSVENOR. Now, where is the evidence, and in what form does it come, that it was because of that man's breath that he was dismissed from the service? Now, may it not have been, and can the gentleman say that there were no other military reasons for this unfortunate selection of the person to act? Can the gentleman state now, at the end of forty years after its occurrence, that there was no ground except that which he has stated; and if he knows where it comes from, can he tell us where he gets his information?

Mr. PRINCE. The only answer I can make to that is that he was dismissed on the charge of drunkenness. If there were other charges they were not specified at the time when General Butler dismissed him.

Mr. GROSVENOR. Now, does the gentleman from Illinois believe that if that officer had been a valuable officer, a worthy officer, he could not easily have rectified that mistake right at the time or very shortly afterwards? What was there to have prevented him from making an appeal to the great, liberal, generous-minded Abraham Lincoln?

Mr. PRINCE. He did make an appeal to the great, splendid Lincoln, and Lincoln set aside this order of General Butler dismissing him from the service.

Mr. GROSVENOR. Where is the evidence of that?

Mr. PRINCE. This evidence is disclosed in the report and is a part of the military records of the country. The War Department record shows that Mr. Lincoln put his own name "A. Lincoln" to it.

Mr. GROSVENOR. And then upon a showing by General Butler or somebody else they refused to carry the order into effect.

Mr. PRINCE. Immediately after the order restoring him to command General Butler telegraphed Lincoln not to do so, because he was a drunken officer.

Mr. GROSVENOR. And that put an end to the action of Mr. Lincoln.

Mr. PRINCE. Mr. Lincoln then suspended the order restoring him to command.

Mr. GROSVENOR. And he died that way?

Mr. PRINCE. And he died that way. I have so said.

Mr. GROSVENOR. Is it not possible, I will ask the gentleman himself upon that information, that there might have been some other good reason why that man should be discharged, as was done in this case?

Mr. PRINCE. From what I have read of the evidence, I would say that that was the only offense that officer committed. If the general had the right to dismiss a man, off duty, for getting drunk, I will say, then, he was justified in doing so.

Mr. GROSVENOR. Now, who said he was off duty?

Mr. PRINCE. He was not in the line of duty. He was attending a fair away from his duty, and no part of it.

Mr. GROSVENOR. Now, does not the gentleman think that taking the statement of a living man, and giving full credit to it now, at this late period, you could upset every court-martial and every judgment the War Department made during the civil war?

Mr. PRINCE. No, I do not; for the reason that there were a great number of affidavits, all of which are fully set out in the report. Nothing has been concealed in the slightest degree. There are affidavits from men who served with him—from officers who knew him, from men who knew him in church life and in military life—that the man was not a drinking man. There was no evidence that he ever did drink before. There was no evidence that he had any liquor about his home or his tent. There is an utter absence of any evidence tending to show that the man ever used liquor except upon this one occasion.

Mr. GROSVENOR. Is there anybody living who knows anything about that fact?

Mr. PRINCE. There are affidavits from men who were living, and they are a part of the report.

Mr. GROSVENOR. Is it not this, that nobody testifies that he was drunk, and a great many men testify that so far as they knew he was not drunk? And can you not prove anything you please after this lapse of time by that method of proof?

Mr. PRINCE. Not by the class of evidence that was adduced in this case, the evidence of men who told about the time when these circumstances occurred.

Mr. GROSVENOR. I wish the gentleman had that report here. I should like to see it.

Mr. PRINCE. I wish it was. It is not my fault that it is not here. The report was sent to the Printing Office yesterday.

Mr. GROSVENOR. I think it is entirely premature to bring this bill in here this morning, the first day it appears on the Calendar, and then ask the House of Representatives to take the recollection of the member of the committee in the total absence of any documentary proof upon any one of these questions. I protest against the passage of this bill, and I think it ought not to pass.

The SPEAKER pro tempore. The question is on the third reading of the bill.

Mr. ROBINSON of Indiana. Mr. Speaker, not as bearing upon this bill, but upon the general subject of legislation here, I desire to make a suggestion. We have this committee coming in from time to time with favorable reports upon a certain class of cases for the relief of men like this. Why can not the committee, in its wisdom, draft a general law opening up to the Department a discretion in this class of cases, claimed by the committee to be meritorious, empowering the Department to grant this relief, so that the committee will be relieved from the charge of unjust discrimination against Members, and so that these meritorious cases may be acted upon without Congressional action?

This is not the first time I have presented this suggestion. The chairman of the Committee on Military Affairs has coincided in that view for several years, and it would spare the committee the charge of discrimination against Members and would give great relief if they would draft such a general bill. It would save the time of Congress, and would allow relief to these meritorious cases, even after this lapse of time. We had such a law, as the gentleman knows, for many years, but owing to the lapse of time, under the strict construction of the law by the Department, relief can not be given in these cases without special legislation. If these cases are meritorious, the time of Congress could be saved, the evidence could be presented to a bureau that would grant that relief in many cases, and the committee would be relieved of a perplexing problem.

Mr. CAPRON. Will the gentleman yield?

Mr. PRINCE. Yes. I will first answer by saying that that is very nice in theory, but it is a very difficult problem to prepare a bill which would meet all of the occasions that arise in

this class of cases. The gentleman from Ohio [Mr. GROSVENOR] stated very properly a week ago to-day that he was a member of this House in 1889, when a general bill was presented which had for its purpose the removal of charges of desertion. He said at that time he thought he had made all the suggestions in the nature of amendments (and others had done likewise) that would cover the various classes of cases that ought to be covered.

Now, this is a case of an officer. There is no law covering the case of an officer. There is no law covering the case of a man who enlisted in the Regular Army. The law that is in existence is for the benefit of the enlisted volunteer soldier. Because this is an officer whose case is not covered by the general law, this bill was introduced in the Senate and has been passed by that body.

Mr. ROBINSON of Indiana. I am not complaining about this bill.

Mr. PRINCE. We took this up with a view to disposing of legislation that had been passed by the coordinate branch of the Government, so that we might not be charged with failing to carry out legislation which had been carried through another branch of Congress.

Mr. ROBINSON of Indiana. I might suggest to the gentleman that it is a very singular confession of impotency for a committee having these various measures in charge to say that they could not frame a general law in terms that would clothe the Department with power to grant relief in these cases, when they come into the House of Representatives and themselves define the class of cases, although they may be various, in which this relief is asked of Congress.

Mr. GROSVENOR. In deference to the wishes of certain gentlemen sitting around me, I ask, Mr. Speaker, that the member of the committee in charge of this bill lay the bill aside without prejudice until this report can come in.

Mr. PRINCE. I have no objection to that. I do not want to press anything here.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the bill may be temporarily laid aside without prejudice. Is there objection?

There was no objection.

GILBERT SHAW.

The next business on the Private Calendar under the special order was the bill (H. R. 15021) for the relief of Gilbert Shaw.

The Clerk read the bill, as follows:

Be it enacted, etc., That Gilbert Shaw be, and he is hereby, authorized to select a tract of not more than 160 acres of the public lands of the United States subject to homestead entry, for which a patent shall issue forthwith, without any requirement as to occupancy or improvement, and without the payment of any fees or charges (homestead fees and charges having heretofore been paid by him), this grant being made by way of compensation on account of the loss of the quarter of section 31, in township 8 north, range 7 east, in Lancaster County, Nebr., in good faith taken, occupied, and improved by him, but found to be embraced within a railroad land grant previously made.

With the following committee amendment:

At the end of line 10 amend by adding "northwest."

Mr. PAYNE. Mr. Speaker, I would like to hear something about this bill.

Mr. LACEY. The gentleman from Missouri [Mr. DE ARMOND] introduced the bill and I think is able to explain it fully.

Mr. DE ARMOND. Mr. Speaker, this is a bill to permit a man who took a homestead which he lost by reason of the land upon which he homesteaded being embraced in a railroad grant, as was discovered some years after he had taken it and gone to considerable expense to complete the improvements upon it, to take another tract in lieu of that which he lost.

This man is an old soldier—has credit, of course, for the length of time he was in the Army, the time that he lived upon this land; and the necessary time, after counting that, to give him a homestead if he were to homestead now, would be comparatively small. In view of the fact that he lost this piece of land, taken at an early day, that he is now a comparatively old man, and the further fact that the best lands have been taken up, it was thought by the committee to be proper, and I think it is proper, to permit him to take a homestead of 160 acres of any of the lands of the United States subject to entry, and give him a patent to it without requiring him to live upon it, as in the case of an ordinary original homesteading.

That is all there is of the matter. I think there ought to be no objection to the bill. It is a very small matter to the public, and yet a considerable matter to the individual. I think he is entitled to what the bill gives him, and I hope there will be no opposition to passing the measure through the House and hastening it to the Senate in order that justice may be done to him at this late day, after the deprivation for many years of the

homestead which he took in good faith and lost without any fault of his.

The amendment recommended by the committee was agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. VAN VOORHIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 17330) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1906, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GRAFF in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17330, the pension appropriation bill, and the Clerk will report the bill.

Mr. VAN VOORHIS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. VAN VOORHIS. Mr. Chairman, this bill carries an appropriation of \$138,250,000, being the full amount estimated by the Pension Bureau for all the items in the pension system. This is less by \$110,600 than the bill of last year. Aside from this change in the amount the bill follows the language of the current law word for word, so that the committee will understand the bill without taking time for further explanation. Unless there is some question to be asked, I will yield to my colleague on the committee, Mr. UNDERWOOD.

Mr. UNDERWOOD. Mr. Chairman, this bill carries \$138,250,000 for pensions. It is about the high-water mark on pension bills. It carries a little more money than any other general appropriation bill has ever carried heretofore. I have no opposition, nor do the minority members of the Pension Committee oppose paying the pensions that have been ascertained under law by the Pension Bureau or that have been passed by special bills here. But there is one clause in the bill that we do object to, and we have filed a minority report stating our objections. Most of the Members of the House recall that when the deficiency bill was before the House last spring we moved to strike out of that bill an appropriation of four and one-half million dollars to pay pensions created under order No. 78, which is an order made by the President of the United States directing the Commissioner of Pensions to put all soldiers who are honorably discharged from the Army or Navy on the pension rolls under the law of June 27, 1890.

Now, that law provides that the soldier or sailor who has received his honorable discharge and is suffering from a permanent disability not created by his own vicious habits may be put on the pension rolls. We then took the position, and take it now, that order No. 78 was in violation of the law passed by Congress, that the President has usurped, in making order No. 78, the powers of the legislative branch of the Government.

It is evident under the law that a man must be suffering from a permanent disability that prevents him from doing manual labor to obtain and receive a pension under the law of June 27, 1890, but under order No. 78, as made by the President of the United States, for a man to be placed on the pension rolls to-day under that act of Congress it is only necessary for him to prove that he was honorably discharged from the Army or the Navy and that he is 62 years of age. Now, it is clear and evident that there are men, soldiers of the Army and Navy, soldiers or sailors, who have been honorably discharged who can go on these pension rolls under that order who are not suffering from a permanent disability and are not prevented from manual labor, and, in fact, do not need a pension in any way in the world. Well, now, the answer that is made to that by the Commissioner in his report and those who argue the case is that, under the facts and the history of the applications under the law of 1890, a large percentage of these men who obtained pensions under that law are over 62 years of age, and that being the case, the order only complies with what is a physical fact; but I say that if there is one man above 62 years of age who is not suffering from a permanent disability not contracted by his own vicious habits, who is able to do manual labor, and this order of the President puts him on that pension roll, then it is done in violation of the law of the land and in the face of the legislation

enacted by the Congress of the United States, and that this branch of the Government should not submit to a violation of the law or recognize that violation of the law by appropriating money to carry it out in this pension bill.

But more than that, I think the facts as stated by the Commissioner himself demonstrate clearly that these men who go on the pension rolls under order No. 78 could not get there—that is, a large percentage of them—if it depended on their proving that they were suffering from a permanent disability that prevented their doing manual labor. Why do I say that? The Commissioner of Pensions states to the committee in the hearings that there are 48,662 claims filed up to December 1, 1904, under order 78. Of these claims he states that only 7,875 of them were old claims, men who claimed that they were entitled to a pension before order No. 78 was made, showing that over 40,000 claims were filed from the 1st of April to the 1st day of December under order No. 78 of men who evidently had not thought of claiming a pension under the general law of 1890, and would not have done so as shown by the enormous increase in these claims, filed under the order, that were not filed before that time. The statement of the Pension Commissioner shows that out of those 48,000 claims that have been filed under this order they have allowed 30,055 of the claims, and they are now drawing a pension, and drawing a pension, as we believe, beyond the law and without the enactment of Congress. Now, if you believe that the soldiers of the United States in the civil war are entitled to a service pension, it is your duty to enact a law and give them that pension according to law, and not in defiance of the law of the land.

Mr. CAPRON. Will the gentleman permit a question?

The CHAIRMAN. Does the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. CAPRON. I would like to ask the gentleman from Alabama if he believes, as I understood him to say, this being an illegal and improper order, whether or not a previous order of September 2, 1893, with which I have no doubt the gentleman is familiar, was a proper or improper, a legal or illegal order?

Mr. UNDERWOOD. I stated last spring when the matter was before the House, and state again, that I do not believe that order was legal and I do not think it was proper.

Mr. CAPRON. Then they stand on the same plane?

Mr. UNDERWOOD. Not entirely, because the difference between the two cases I pointed out then, and I point out now, is that under the order made by the Cleveland Administration, to which the gentleman from Rhode Island refers, the soldier was not put on the pension list, but if he was on the pension list they presumed that he had a total disability when he reached 75 years of age. As the gentleman well understands and knows, under the law of 1890, which provides as a maximum \$12 a month for pensions, all soldiers who go on under that law did not get \$12; but it must be shown that the disabilities are permanent before \$12 is paid, and the Cleveland order merely assumed that the disabilities were permanent where he reached 75 years of age, provided he had gotten on the pension rolls under the law. That is, that he had proved he was suffering from a disability, not contracted by his own vicious habits, which prevented him from doing manual labor. He had to show that first, and then if he were 75 years of age or when he became 75 years of age it was assumed that he was permanently disabled, and he was given the full amount. Now, the difference between that—which I do not think was right, because I do not think they had a right to assume a fact that the law required to be proven—and this is that this does not require any proof at all, but assumes the whole state of the law as soon as a man proves he is 62 years of age.

Mr. VAN VOORHIS. Will the gentleman allow me?

Mr. UNDERWOOD. I yield to my colleague.

Mr. VAN VOORHIS. I think the gentleman is not correct in his statement. The order issued September 2, 1893, goes far beyond what he thinks it does. Permit me to read a portion:

In cases in which the pensioner has reached the age of 75, his rate shall not be disturbed if he is receiving the maximum.

Then it goes further and it says:

And if he is not a pensioner he shall receive the maximum for senility alone, if there are no special pensionable disabilities shown.

Mr. UNDERWOOD. That latter clause does go further, but the main object of that order was to assure to the man who was 75 years of age the full amount of pension under the assumption that he was suffering from a permanent disability, which I do not agree with. I did not agree with it then and I do not agree with it now. I say we have got no right to assume facts that Congress says must be proven; whether it is made by one administration or the other it is the law of the land; when we say that the Pension Commissioner must take proof, that he shall take proof. You might as well say that if a man proves

that he is 62 years of age and came from a State that is north of the Ohio River it shall be assumed that he was a soldier in the Union Army and belongs on the pension list.

Mr. CAPRON. Will my friend permit me?

Mr. UNDERWOOD. You readily see the absurdity of making such an assumption, but you might as well make an order assuming that fact that is necessary to be proved as well as assuming that fact of his disability.

Mr. CAPRON. Now, does not my friend know as a matter of fact that order No. 78 is not an order directing that anybody be placed upon the pension roll, that it is simply a rule of evidence which has got to be supplied, and if the gentleman will read the instructions under order No. 78, which the Pension Office apply always in judging whether a man is or not entitled to a pension under order No. 78, he will see that they are only accepted as a rule of evidence in that case.

Mr. UNDERWOOD. I know they call it a rule of evidence. I am familiar with it, and I want to ask my friend from Rhode Island one question right there. He says it is merely a rule of evidence. Does he not know, and I am sure he does, that if a constituent of his goes to the Pension Office to-day and proves he has an honorable discharge as a soldier in the Union Army of the United States in the civil war and proves that he is 62 years of age that makes out his case under order 78 and that they put him on the pension roll? I ask the gentleman that question.

Mr. CAPRON. I answer categorically I do not think it is a fact.

Mr. UNDERWOOD. I understand it is a fact, and I understand that from the Commissioner.

Mr. CAPRON. I have never, for a constituent of mine, been able to have a pension secured by a mere presentation of that evidence.

Mr. UNDERWOOD. I understand that is what the Commissioner states; that is why he has placed these 30,000 men on the pension roll. It is because they proved they were 62 years of age, and I do not believe there is any doubt or any denial of that proposition. As a matter of fact, how was it that before this order was made there were only 7,875 men in the United States who thought in the accumulation of time, in the accumulation of records in the Department, that they could get a pension under the law of 1890, and yet within six months it jumped to 48,000, if they had not changed the law, if they had not changed the manner in which these men are placed on the pension roll? It is a fact and it is in violation of law, and Congress should not pass the money to carry it out.

Mr. VAN VOORHIS. Let me ask the gentleman, How many of the 48,000 the gentleman refers to were on the pension rolls before this order was issued?

Mr. UNDERWOOD. Well, I said I only give you his own statement. He says that up to December 1, 1904, 48,682 claims for pensions had been filed under order No. 78; that 7,875 of those claims were original claims on file in the Pension Office before order No. 78 was made.

That leaves some 40,000 claims that were filed under this order after it was made. Now, the appropriation that is made here, in the way that they write the bill, was not appropriated so much to carry out this law and that law, but they are all put in in bulk, and we are asked to appropriate \$137,000,000 to pay the army and navy pensions. We asked the Commissioner when he appeared before the committee how much of this money was necessary to pay pension under order No. 78. He said he did not know exactly, and could not tell until the 1st of next July. But I asked him if it would not take as much as he asked for last year, namely, four and one-half millions of dollars, and he said that he thought it would. And more than that, this very morning he appeared before the subcommittee on deficiencies of the general Appropriation Committee and stated that he needed four and one-half million dollars for the balance of this fiscal year to pay pensions with, the deficiency being created by pensions under order No. 78. So that the minority members of the Appropriation Committee believe we should strike out of this bill the four and one-half millions at least that the Commissioner admits the Government has to pay under order No. 78. And I therefore, on behalf of the minority members of the Appropriation Committee, Mr. Chairman, shall move when we reach the proper place in the bill that the bill be amended by reducing the appropriation in the bill of \$137,000,000 for army and navy pensions to the extent of \$4,500,000, so that the appropriation will read \$132,500,000 instead of \$137,000,000.

Now, I want to say to the gentlemen of this House, and especially to the Representatives on the opposite side of the House, that we men who come from the South do not come here to fight your pensions. We believe the soldier who carried the banner of his country, who endangered his life on the field of

battle for his country's sake, and for what he believed was just and right, that if he suffered then or suffers now, because of offering himself as a sacrifice at the altar of his country's glory or his country's fame, it lies not in our mouths or in the mouths of our people to detract from the honor and the fame and the glory that belongs to him; and we would not do it. But I do say that we who pay a third of the pensions of the United States, we who receive practically not a dollar back in return, have a right to ask, yea, more, we have a right to demand of you that you only pay pensions under the law, and not in violation of the law. [Applause on the Democratic side.]

Mr. Chairman, I reserve the balance of my time.

Mr. VAN VOORHIS. Mr. Chairman, this bill provides for a lump sum, out of which the various pensions are to be paid. If this amendment which the gentleman from Alabama [Mr. UNDERWOOD] proposes should prevail, it would affect all the civil war pensioners. It would not affect the pensions granted under order No. 78 any more than it would any other civil war pension. It would seem to me that there is another way of reaching this question better than the cutting down of appropriations all along the line, as the gentleman from Alabama [Mr. UNDERWOOD] proposes by the \$4,500,000 amendment. Now, as to order No. 78, the gentleman from Alabama [Mr. UNDERWOOD] differs with every Administration and with every Pension Commissioner that has served in that office since this law was enacted. This law was scarcely a year old until the Commissioner of Pensions declared that age was a disability, and granted pensions on age alone. Then, later, in 1893, Commissioner Lochren issued an order fixing 75 years as the limit under which a pensioner could receive the maximum rate of \$12 per month.

Now, Mr. Chairman, there appeared in the New York Tribune on October 17, 1904, an article over the signature of Commissioner Ware which I desire to have printed in the RECORD as a part of my remarks, and I ask unanimous consent that it may be so printed.

The CHAIRMAN. The gentleman from Ohio [Mr. VAN VOORHIS] asks unanimous consent that he may incorporate in his remarks a certain article from the newspaper which he mentions. Is there objection?

There was no objection.

The article is as follows:

LEGAL HISTORY OF PENSION ORDER 78—COMMISSIONER WARE SETS FORTH FACTS WHICH LED UP TO ITS ADOPTION.

To the Editor of the Tribune.

Sir: The Pension Bureau, unlike other of the Government bureaus, is under the immediate charge of the President, and he has a right to prescribe the duties of the Commissioner, which includes the right of directing what the Commissioner shall do and how he shall do it.

This duty has for many years been exercised, and heretofore without question. The law is as follows, taken from the United States Statutes:

"SEC. 471. The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various pension and bounty land laws as may be prescribed by the President."

Order 78 was based upon the act of June 27, 1890, as amended. Said act, when read parenthetically, is as follows:

"SEC. 2. All persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom and who may be suffering from any mental or physical disability of a permanent character, not the result of vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of pensioners and be entitled to receive a pension not exceeding \$12 per month and not less than \$6, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated."

Under the above law old age has been pronounced an infirmity, and has for many years been considered in the rating of disabilities. Order 78 introduced no new principle. It only made certain and definite the experience of the Bureau.

Before the passage of the law of 1890, above quoted, rates not specified by law had been fixed by the Commissioner—as early as March 3, 1873—and afterwards on several occasions, to wit: April 3, 1884; October 7, 1885; September 26, 1886; November 5, 1887, and August 27, 1888.

Congress could not specifically provide for every form of wound, accident, or disability, and so it legislated in general terms, leaving very much to the discretion of the Commissioner, who was himself compelled, after taking the experience of the office for years, to make rules and formulate rates. This was done, and upon pages 28, 29, 30, and 31 of the pension laws, present edition, are found tables from which a few examples may be taken as illustrations:

I take the illustration of the thumb:

Loss of palm of hand and all the fingers, the thumb remaining.....	\$17
Loss of thumb, index, middle, and ring fingers.....	17
Loss of thumb, index, and middle fingers.....	16
Loss of thumb and index finger.....	12
Loss of thumb and little finger.....	10
Loss of thumb, index, and little fingers.....	16
Loss of thumb.....	8
Loss of thumb and metacarpal bone.....	12

The first of such fixing rates after the said law of 1890 was made December 4, 1891.

After the adoption of the new pension law, June 27, 1890, many

questions came up for discussion, and among others the question of age as relating to disability, and under it appeals were taken to the Department from the rulings of the Pension Bureau.

The first one in which this matter was particularly called up was the case of Patrick Carroll (6 P. D., 259), and the following is the syllabus of the decision:

"Old age or senility is a legal disability under the act of June 27, 1890, and examining surgeons should estimate the amount of disability arising therefrom for the performance of manual labor and for earning a support by manual labor."

Patrick Carroll was examined in 1891 by a medical board and was found to be 62 years of age. His claim was rejected because the surgeons did not give him a rating, but the Department ruled:

"In fact, old age or senility is a legal disability under the act of June 27, 1890, and the surgeons should have given their estimate of the amount of disability arising therefrom for the performance of manual labor and the earning of a support thereby."

In other words, although there was no specific disability upon which the pension should have been granted, except that which was due to old age, the Department held that as Carroll was 62 years of age it should be taken into consideration.

This is the beginning of the ruling upon the age subject as relates to the law of June 27, 1890.

After the Carroll decision, above referred to, order 241, dated September 12, 1893, was signed up by William Lochren, Commissioner, fixing the rate of \$12 for a pensioner who shall have reached the age of 75. A copy of said order is as follows:

Order No. 241.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, September 2, 1893.

The circular of June 12, 1893, in respect to rating cases under the act of June 27, 1890, is withdrawn.

Hereafter, in affixing rates under this act, the medical referee or the medical officer in the board of revision shall weigh each disability and determine the degree that each disability, or the combined disabilities, disables the claimant from earning a support by manual labor, and a rate corresponding to this degree shall be allowed.

In cases in which the pensioner has reached the age of 75, his rate shall not be disturbed if he is receiving the maximum, and if he is not a pensioner he shall receive the maximum for senility alone, if there are no special pensionable disabilities shown.

WILLIAM LOCHREN, Commissioner.

Four days after the issuance of the last order another order was issued by the Commissioner:

Order No. 242.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, September 6, 1893.

In keeping with the practice established by Order 241 as to the age of claimants under act of June 27, 1890, it shall be presumed that claimants for increase under act of January 5, 1893, who are 75 years of age, or older, are wholly disabled for manual labor within the meaning of the act last named.

WILLIAM LOCHREN, Commissioner.

Thereafter, on March 29, 1894, J. R. Van Mater, acting chief of the board of revision, under orders from Commissioner Lochren, issued an order making the age 65 years a pensionable rate.

A copy of Mr. Van Mater's order is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, March 29, 1894.

To the Board of Revision:

By order of the Commissioner, the rate now received under the act of June 27, 1890, will be continued by the board of revision in cases wherein it appears that the pensioner has reached the age of 65 years.

J. R. VAN MATER,

Acting Chief of Board of Revision.

(Indorsement: March 29, 1894. Respectfully referred to Doctor Featherstonhaugh, medical referee. The inclosed instructions were given to the board of revision to-day. If the medical division will return any cases referred by us where the pensioner is 65 years of age, they will be acted on here. J. R. Van Mater, acting chief board of revision.)

On October 5, 1894, the Department, in the case of Joseph Hayden (7 P. D., 332) held that, although the evidence and medical examination did not show any great amount of disability from disease, but that nevertheless, taking into consideration his age—68 years—in connection with such disease as he had, it was held that a ratable degree of inability to earn a support by manual labor was shown, and the Department used this language:

"But in the case of this claimant, who was 68 years old and naturally enfeebled by such advanced age, the same causes for disability from such disease are more serious than they would be in a younger man, and constitute a ground for incapacity for earning a support by manual labor which entitles the claimant to a rating under the law."

In July, 1895, the Department of the Interior, under the Hon. Hoke Smith, Secretary, decided the Jacob Rinkel case (8 P. D., 30), of which the following is the syllabus:

"Where a declaration filed under said act contains no allegation as to any disabling cause, except that applicant is 75 years of age or over, such allegation of age will be held to be a sufficient allegation of disability."

"A declaration alleging age, whether over or under 75 years, and disability which may be expected as a natural pathological result of senility will be held to be good under said act."

In the body of the opinion the Department says:

"If a declaration sets forth that the claimant is 75 years of age, and no disabilities are alleged, the allegation of age alone will be held sufficient and a declaration will be held good, age being satisfactorily shown."

From the foregoing the procedure was definitely fixed that age only need be alleged by claimant.

On January 11, 1896, Assistant Secretary Reynolds, under President Cleveland, in the case of Thomas Hughes, Thirty-eighth Illinois Infantry, certificate No. 788690, said, in effect, that a pensioner who was on the rolls at \$6 per month would not be dropped from the rolls when

it appears that he has attained the age of 65 years, although without specific disabilities.

This holding was not published, but is shown, with others, by the files of this office.

The next holding of the Department is dated July 7, 1897, in the case of Francis Frank (9 P. D., 68).

The syllabus is as follows:

"A claimant who has attained the age of 65 years shall be deemed entitled to at least the minimum rate of pension unless the evidence discloses an unusual vigor and ability for the performance of manual labor in one of that age."

The claimant in this case had been denied a rating, and the Department cited the case of Jacob Rinkel, and of Orders Nos. 241 and 242 (all given above) and says:

"In retirements from the Army the age of 62 is fixed as of itself a sufficient reason for considering the advance to this age as a warrant for the cessation of the active duties of an officer."

In this decision is also cited the act of January 29, 1887, fixing the age of 62 as entitling a soldier or sailor of the Mexican war to the rate of pension therein provided, independent of any disability.

The next important case was one decided by Hon. Thomas Ryan, many years a member of Congress, and in 1898 First Assistant Secretary of the Interior. The case is that of Chauncey Davis (10 P. D., 12) of which the following is the syllabus:

"As the medical examination shows no appreciable disability the rate of \$6 per month is inadequate under the act of June 27, 1890, though claimant is 60 years of age and his system is relaxing by reason thereof."

And in the opinion the Department says:

"It is believed that a \$6 rating for senile debility is proper and commensurate with the degree of disability shown in this case and said rating having been allowed it is sustained."

So it appears from the foregoing that various ages have been taken by the Department as indicating disability from senility, and these ages extend from 60 years up.

In the Book of Practice, page 96, paragraph 9, published in 1898, the following practice is laid down by the Commissioner of Pensions and approved by the Hon. C. N. Bliss, Secretary of the Interior:

"Claimants who have attained the age of 75 years are wholly disabled for manual labor within the meaning of the law and are entitled to the maximum rating under the act of June 27, 1890. Claimants who have attained the age of 65 years shall be deemed entitled to at least the minimum rate under that act unless the evidence discloses an unusual vigor and ability for the performance of manual labor in one of that age."

These rates were not fixed by the Commissioner of Pensions until it became apparent to the Bureau, through long experience in handling the claims, that such and such disabilities did disable claimants in certain degrees.

When the writer became Commissioner, May 10, 1902, Congress was in session, and the foregoing were the rulings of the Department. Persons making applications setting forth their ages were granted pensions at \$6 and \$12 for the ages of 65 and 75 years.

In a very few days after assuming the office the writer found that the cost of medical examinations was exceeding the appropriation, and one of his first duties was to appear before Congress and show why he should ask for over \$80,000 more of money, the sum of \$700,000 having been theretofore appropriated.

The next year, owing to the increase of the business, an extra sum of \$156,000 had to be provided for. This led to an immediate examination of the pending conditions. It was found that those who were 62 years old were able to prove by their neighbors and medical assistants that they were one-half disabled from earning a support by manual labor. Those at 65 years were able to prove more, so also at 68 and 70 years old.

Mr. Davenport, the First Deputy Commissioner, instituted an examination into adjudicated cases for the purpose of finding out the proportions of rejections of those who were 65 and over. Thousands of cases were examined.

An estimate was made as to the cost to the Government of examining these cases, and it was found that applications were made one after another and examinations made one after another concerning the same pensioner, and that these examinations cost the Government in surgeons' and Bureau expenses at least \$10 apiece.

On the other hand, it was expensive to the claimants to leave their homes and go to places where there were examining surgeons, to pay railroad fare and hotel bills, and it was found that a very large number of these old soldiers often had to make two trips and were very often cared for by Grand Army of the Republic posts and by charitable associations to enable them to make the trips, and that the trips would average in cost about \$10 apiece.

The estimate which Mr. Davenport made was that not over 2 per cent of those who were 62 years old were finally rejected, and not over 3 per cent of those who were 70 years old were denied pension for total disability.

In view of the fact that applications came in at the rate of over two hundred thousand a year for original and increase pensions, it was seen that, as a pension under an age order would be simply anticipatory for a year or two, it was a saving to the Government to arrange an age-pension rule.

This would save \$100,000 to 10,000 old soldier applicants if under the age order, and a correspondingly large amount to the Government.

Thereupon order No. 78 was prepared in tentative form and submitted to the Department in the latter part of June, 1903. Its adoption in 1904 was not a matter of sudden or spontaneous action, nor did it have connection with any political question. It was a proposition carefully considered in the interests of the Government before it was promulgated. It has worked with perfect satisfaction. It was never expected to be contrary to the Constitution or any laws, because it was in direct line of established precedent and practice and within the power given to the President, to the Department, and to the Pension Bureau by Congress.

By adopting the rule in 100 cases the Bureau will be wrong in 2 cases out of the 100—perhaps 3—but the saving to the Government and the saving to the old soldiers will more than compensate for the excepted cases, for in such cases the soldier, if rejected, would have been able in two or three more years to have established his claim; anyhow, to a pension, so that the loss to the Government, as far as that is concerned, is quite trivial in comparison with the benefits.

Since order No. 78 has been made General Black and Judge William Lochren, both of whom were Commissioners under the Democratic régime, have pronounced order No. 78 to be a rightful and proper act, and it is the opinion of the writer that it will stand for all time as

being one of the features of our pension system—a feature derived from experience and based upon considerations which the community will recognize as persuasive.

E. F. WARE, Commissioner.

WASHINGTON, October 14, 1904.

Mr. VAN VOORHIS. Mr. Chairman, I yield to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, the subject-matter under discussion, special pension order No. 78, is not entirely new in the presentation that has been made by the distinguished gentleman from Alabama [Mr. UNDERWOOD]. The order was made just prior to the opening of the last Presidential contest by the present President of the United States, Mr. Roosevelt. An issue had been taken on the floor of this House, and severe, and, I may say, savage denunciation of that order had been made. As the campaign progressed it became one of the various and multifarious paramount issues of that remarkable campaign. A lawyer, it was said, was nominated for President of the United States. The gentleman seemed to know nothing about pensions or pension legislation. But it occurred to him, as a typical representative of the pertinacious Democracy, that there was another opportunity, an opportunity to appeal to a sentiment that is rife in some portions of our country, I confess much more strongly in some portions of the country north of Mason and Dixon's line than south of that line; and it occurred to him that it would be a good thing to make a point in some one of his statements.

He made several trips down to the city of New York and held divers conferences that were widely and voluminously published to the world. At last he made an emanation, and that emanation touched upon general order No. 78; and if my friend from Alabama had been in touch with the literature of that current campaign he would have understood that every straw in that load of straw was thoroughly, effectively, exhaustively, and disgustingly thrashed out. [Laughter.] After these numerous and multifarious trips up and down on the cars, that were heralded with so much of accuracy of statement, somebody whispered in his ear that it would not do to jump on pensions to the soldiers. So he concluded to shift his position a little, if he had a position [laughter], and attack, not the money that would go to the soldiers—not that, but the principle, the underlying principle of law that was to furnish a foundation and ammunition for an assault upon President Roosevelt, not for the purpose of showing so much that he was too liberal and too generous to the soldiers of the country, but for the purpose of showing that he was not a good lawyer and did not understand the great legal proposition involved in the enormous question under consideration. [Laughter.] Roosevelt had got the better of that gentleman on a very great question of law, and, to the utter amazement of his best friends, he turned out to be a better lawyer, a far better lawyer, than the distinguished ex-chief justice of the New York court of appeals in the way he applied the law in regard to the enforcement of the antitrust law just exactly right, while Mr. Parker was just exactly wrong.

He emerged from the disaster of that attack with a knowledge for the laying of the foundation of the Democratic platform upon the pension question. He did not resort in this particular case to the Western Union Telegraph Company to promulgate his platform. He made it in a publication that he made on his own merits—on his own hook—and without the help, so far as I know, of the New York newspapers, the Wall Street Journal, or any of the trust magnates of the city of New York. He got this one off on his own merits. If there is any one thing in his entire campaign—and I am pointing it out—that produced that condition that could influence the rendering of public service to this country that endeared him to the heart of every Republican [laughter]—and I point it out to my friend from Alabama—it is the utter failure in the undertaking to make anything out of that question of order No. 78. Driven at last to a full explanation, the Democratic candidate for the Presidency said what? Not that it was a too free or generous a use of the public money. Oh, not at all. He said if he became President—about that time the battle had become hand to hand and the charge something like San Juan Hill shape [laughter], and the Rough Rider made a charge on the martial man [laughter], and the Rough Rider wanted to know directly and distinctly what he knew about it, and what he proposed to do. "Do you propose," he said, "Judge Parker, do you propose to repeal that order No. 78 if you should be elected President?" "Yes," said Judge Parker, "I do. That will be the first thing I will do in the morning. [Laughter.] I will resort to the Western Union Telegraph and paralyze that whole system of outrages upon the pension system of the United States; but I will use my influence at once to have it reinstated by law."

There he gave away the whole business, and the look of utter

and unutterable contempt that appeared upon the visages of the Democratic leaders in this country when they read that promulgation formed a picture that would have made my everlasting fortune if I could only have depicted it upon canvas. He had made his escape there. It was his first escape and his last escape. [Laughter.] He was perfectly willing that the soldiers should have the money—that was all right, the regular gradations of six, eight, ten, and twelve dollars—but there was a fundamental principle involved in the way they were to get it, and that was the thing that disturbed the peace of mind up at Usopus or Esopus or some kind of a Sopus.

Mr. WARNOCK. Softsoapus. [Laughter.]

Mr. GROSVENOR. They thought it was softsoapus at the time, but it turned out to be hardsoapus before they got through with it. [Laughter.]

Now, let us see. My friend, I believe, is a lawyer. Let us see what there is in pension order No. 78.

I thrashed out all this straw on this floor a year ago, and I want to apologize for going over the same ground again. I did not believe there would be a gentleman on this floor who would make again the speeches that were made a year ago; but sometimes we do better to make our old speeches than we do to attempt to make new ones. It takes less brain work.

Now, let us see. The law of 1890 is a very simple provision. It is not a law for indigent soldiers; it is a law to compensate soldiers for disabilities that affect their power to earn a living by manual labor. It applies as well to the millionaire as to the indigent. On one occasion we had pending here a bill that reached out in the direction of indigent soldiers. I was opposed to that bill, and I have ever been opposed to every bill or any bill that contained a single suggestion that a soldier should be compelled to prove his poverty and expose his indigence before he could be entitled to the benefit of the pension law. Yet when we passed the act of 1890 many enemies of that bill made haste to proclaim all over the country that we had passed an indigent pension bill; and I appeal to my comrades around me if they are not still constantly receiving letters referring to the "indigent pension law," protesting that they are not willing to prove their poverty?

Now, the act of 1890, which is the law of the land governing the distribution of a large part of the \$140,000,000, or whatever sum we appropriate in this bill, provides that that money shall go to the men who are disabled from earning a living by manual labor regardless of the question how their disability arose, provided they did not contribute to it by a vicious life. We got that matter pretty well straightened out. We understood the law. It was being administered fairly; not quite as rapidly as it ought to have been, possibly. Perhaps I am mistaken. Now, what did we have? It was simply and solely a question of fact, or a question involving a number of facts. First, was the applicant a soldier? Did he serve ninety days or upward? Was he honorably discharged? Is he suffering under some physical or mental disability that impairs his power to earn a support by manual labor?

(The time of Mr. GROSVENOR having expired, Mr. VAN VOORHIS yielded to him five minutes additional.)

Mr. GROSVENOR. Those are all the questions to which we have been subjecting these claimants—to prove each one of the individual facts I have stated.

How much of \$12 was the individual to get? That is a question of fact. We undertook to have it decided by the local board of pension examiners. The administration of that has not been satisfactory for a number of reasons, one being that the local board is very apt to mislead the applicant by stating to him that his condition is much worse than the examiners here in Washington ascertained the real fact to be. So this suggestion of a rule of evidence was submitted and discussed in the Pension Office, and the President of the United States took an intelligent and wise view of the whole situation. How much, as a matter of fact, is a disabled man earning his living by manual labor? Why, one of the facts that always entered into the proof, one of the very primal facts, was to prove to the examining surgeons the age of the applicant. What was that for? What had that to do with it? It was done for the purpose of ascertaining what would be the probable effect of a condition described by the surgeons upon the individual at 62, 65, 68, or 70 years of age. So this order comes in and says that while the application of this money must be upon the basis of actual disability, in ascertaining how much each individual is entitled to we will presume that a man at 62 years of age is only able to earn by manual labor one-half of what an able-bodied man is able to earn. That is all. Why, it was one of the elements before. It was one of the items of proof. It is simply made applicable in the particular force that is given to it by order No. 78.

Mr. Chairman, having stated this much, I am through substantially with what I have to say.

Mr. PADGETT. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes.

Mr. PADGETT. Do I understand that under this order a man 62 years of age is presumed to come within the terms of it although he may be worth \$100,000?

Mr. GROSVENOR. That is a question of legislation and not a question of the construction of this law. As the law stood before this order was made, a millionaire was entitled to just the same pro rata of money growing out of disability as the beggar. That statute has been upon the statute book now for fifteen years and is there now.

Mr. PADGETT. Upon what theory does the gentleman justify it?

Mr. GROSVENOR. I am not discussing that question; that is a closed incident and has been passed upon approvingly by the Democratic and Republican Houses of Congress from that day to this. This is a question of evidence. It is a question of how much it shall be presumed that old age has affected the physical power of the applicant for a pension, and I say that there is no more satisfactory, no more judicious, no more wise, proposition than the one involved in pension order No. 78.

I was delighted that the President, with the assault made upon him by his opponent, stood up like a man—I was not surprised at that, for he always does that—and defied the criticism of his order and appealed to the country that his order was intelligent, was wise, was judicious, was loyal.

Mr. VAN VOORHIS. Will the gentleman yield to me for a suggestion?

Mr. GROSVENOR. Yes.

Mr. VAN VOORHIS. Commissioner Ware has reported that out of many thousand tabulated cases, cases examined by the medical board, only two in every one hundred 62 years old were barred because they were able to earn a living.

Mr. GROSVENOR. That shows the force of the proposition. Out of that vast column of men who presented themselves for examination only two were found, in the estimation of the examining surgeon, not injured by old age. Why, Mr. Chairman, if I were addressing a public audience I should not hesitate to appeal to every intelligent man, woman, and child in that audience to say to me if, in their judgment, there lives one man in a thousand who served through the civil war from 1861 to 1865, who has now reached the age of 62 years, who is able with his hands and his muscles to earn a living. A wiser, better provision than this was never made by an order of the President of the United States—strictly in line with the law, strictly in line with justice, strictly in line with patriotism. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, I think that the statement made by my colleague on the committee as to the number of cases examined by the Pension Commissioner is about on a basis with the whole line of argument in support of the President's order. The Commissioner did state—I heard him state—that of several thousand cases examined in the Pension Department, under the law, of men applying for pensions only two were found to be not suffering from disability and not prevented from doing manual labor. But mark you, every one of those thousand cases were men who had sworn and believed they were suffering from disabilities that prevented them from doing manual labor before they made application for pension. They came there stating that they were disabled; they were the select cases taken out of all the Army, the selected cases for disabilities.

These thousands of men did not come from the body politic of the United States, they did not come from all the soldiers of the United States, they were not drawing pensions, but they came from those who could produce evidence that they were disabled, and even with this there were two found and turned down by the board that showed that at 62 years of age they were not suffering from disabilities. But under this law these two can draw on the pension roll a pension in violation and contrary to the law of June 27, 1890. If two men out of this thousand cases who said they were suffering from disabilities are found not to be within the terms of the law and yet within the terms of the President's order, how many thousands of them were there at that time who had not applied for pension, that did not believe they could get one, that can take advantage of the law now? I do not care to go into a further discussion of the question.

Mr. LACEY. I would like to ask the gentleman a question in that connection. This was, of course, an administrative order, said to be in the line of economy. Now, I want to ask the gentleman if it did not cost \$6 in these two cases referred to by the gentleman for the examination? If it did, then, in that thousand of cases an examination was saved, and does not the gen-

tleman think that that was in the interest of economy and simplicity, and that this is a good rule?

Mr. UNDERWOOD. I suppose, if my friend's argument was carried out, he would have the President issue an order that every man who served in the Army or the Navy, 62 years of age, should be placed on the pension list in the line of economy and simplicity. It would certainly be in favor of simplicity, but not in the line of economy to save \$6 for the examination of a pensioner to see whether he was disabled or not, and then pay him from \$6 to \$12 a month for the balance of his life. I must say that I fail to see the significance of the gentleman's argument in favor of economy.

Mr. LACEY. They do not simply save the \$6 for the examination of these men.

Mr. UNDERWOOD. They save the \$6 a month on the two men, but pay the thousand from \$6 to \$12 a month pension. I can not see the economy in it; I suppose I may be dull. As matter of fact, you can, under this order, put a man on the pension roll who is not entitled to it, and, therefore, you are doing it in violation of law, and the very argument made by the gentleman from Iowa and the gentleman from Ohio demonstrates that fact. Now, I merely wish to say this in reference to the argument made by the gentleman from Ohio, and that is, that I regret that he made that argument on this bill.

I do not desire, nor do we on this side of the House desire, to drag the pension rolls of the country in the mire of party politics, and you can bear witness that we have not done it; but I have never heard the gentleman from Ohio [Mr. Grosvenor] take up any question before this House, no matter how solemn it was, no matter how great a duty the nation owed in the matter involved, no matter what it was that came before the House, but that the argument he must use to gain your support and ask you to follow was that you must drag it down into the mire of partisan politics and compel you to merely follow because a Republican leader said you must. What have last year's campaign speeches to do with this? What has the position of Judge Parker got to do with the rights and the wrongs of this question? I am not here to make attacks on the President of the United States. I have not done so. We are not here doing that.

It does not matter what was discussed in the Presidential campaign. It seems to me that since the Presidential campaign has been over the attacks that have been made upon the President of the United States have come from the Republican side of this House and the Republican side of the Senate Chamber. As far as I know, on the great questions that the President of the United States in his messages to Congress has advocated and asked Congress to enact into law—a revision of the tariff laws of the United States, fair and just and conservative legislation in reference to the regulation of railroad rates—you found the Democrats standing in a solid phalanx in support of his measures, and in support of his cause, because we believed him right, and we were not afraid to follow a Republican President of the United States when he was right. But the gentleman from Ohio [Mr. Grosvenor] would say to you that you must not follow any motion coming from this side of the House, right or wrong, because you must sustain it under Republican politics.

Mr. GROSVENOR. Mr. Chairman, will the gentleman allow me a question?

Mr. UNDERWOOD. Yes.

Mr. GROSVENOR. Which party brought this question into the campaign last year?

Mr. UNDERWOOD. Why, the issue on the floor of the House was what brought it in.

Mr. GROSVENOR. Who brought it into discussion in the House first, the Democratic or the Republican side?

Mr. UNDERWOOD. Certainly, we brought it in here, but we did not bring it here as a political question. We said that order No. 78 was contrary to law, and that we had no right to make the appropriation for it.

Mr. GROSVENOR. Who brought it into the Presidential campaign afterwards?

Mr. UNDERWOOD. Why, of course, we did, and we had a right to discuss it in the Presidential campaign.

Mr. GROSVENOR. Certainly, you had a right to discuss it, and you did.

Mr. UNDERWOOD. We had a right to discuss anything that occurred here, any action the President took, but that was in a political campaign. The political campaign is over. Mr. Roosevelt has been elected. He says he is not a candidate again. There is no politics that we can make out of this proposition, nor are we attempting to make any. The gentleman from Ohio knows that and knows it well. He merely attempts to make this argument from a political basis and from a political standpoint in order to prevent his own side of the House from looking

at it clearly as a matter of law and determining it on that broad basis.

There is not a man who stands here—the gentleman from Ohio, the gentleman from Iowa, or my colleague on the committee—who can rise on this floor and say that it is not possible for a man to get on the pension rolls under this order who can not get on the rolls under the law. If that is the case, every man that gets there under the order who could not get there under the law of 1890 is doing it in violation of the law of the land, and when you appropriate this money to pay the pension after he gets there you are violating the law of your country; and there is no politics in this. It is right under the law, and if you do not think the soldiers of your country are being fairly and honestly treated under the law do not hide behind the President of the United States, but do your duty yourselves, and bring in a bill here to remedy the law and pass one that you believe will do this for those soldiers. Do not require the President of the United States to issue an illegal order to do that which you fear to do yourselves. [Applause on the Democratic side.]

Mr. VAN VOORHIS. Mr. Chairman, I yield five minutes to my colleague, the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts. Mr. Chairman, as a member of the committee, I wish to say a word in response to the gentleman from Alabama [Mr. UNDERWOOD]. It seems to me a very extraordinary proposition that he makes, that this is a matter of partisanship on this side of the House.

Mr. UNDERWOOD. I beg my colleague's pardon. I did not make that point, but the gentleman from Ohio [Mr. GROSVENOR] started it.

Mr. GILLETT of Massachusetts. The gentleman from Alabama just said that it was partisanship on this side of the House.

Mr. UNDERWOOD. I said that was an argument the gentleman from Ohio made. I said nothing about partisanship.

Mr. WM. ALDEN SMITH. Before election?

Mr. GILLETT of Massachusetts. I beg your pardon. The gentleman has just charged us on this side that we are going to vote for this because on this side it is being made a partisan question.

Mr. UNDERWOOD. I said the gentleman from Ohio made his political argument on this matter to get you to follow him. I did not say you were going to do it.

Mr. GILLETT of Massachusetts. You say that effort was being made.

Mr. UNDERWOOD. Well, it has been made and is being made by the gentleman from Ohio, and not by myself.

Mr. GILLETT of Massachusetts. I wish to say it is the gentleman from Alabama, in my opinion, who has made a partisan argument. It has not been begun on this side of the House. It did not begin even with the gentleman from Alabama. We all remember probably how this argument began in the last Congress. I confess I was surprised then when a distinguished gentleman signalized his return to this House, which we all welcomed, by making the proposition that this order No. 78 was the parting of the ways, was an encroachment upon the rights of this House by the Executive, and now the gentleman from Alabama repeats practically that charge and says that order is not lawful, but is a rule which is contrary to the law. Now, the singular thing about it is, as we all know, that this order is no innovation, but is an exact repetition of the rule that was adopted under the Cleveland Administration, when the gentleman from Alabama was a Member of this House, and yet the gentleman from Alabama then never saw anything in it which he thought made it incumbent upon him to object to or criticize.

The very principle that is carried out here was adopted through and through by the order of Mr. Lochren, and was applied just as this is applied, and yet not a word was ever said on that side of the House to suggest that that order was any violation of law or any infringement upon the rights of the House, and therefore it certainly is not unnatural that we should have a suspicion that instead of partisanship originating on this side it has originated there, and that this argument is made by them not because they really believe it is a violation of our rights and a violation of law, but because they see an opportunity for partisan gain in it. The statement by Mr. Ware, which the gentleman in charge of the bill has put into the RECORD, is absolutely conclusive, it seems to me, to any legal mind of the rights of the case, but, of course, it is always easy to try to becloud it and charge that we are infringing the law, and the gentleman's amendment, which he says he is going to offer, to strike out \$4,000,000 is just about as logical as his argument on this order, because if he strikes out \$4,000,000 it does not strike these pensioners. He can not make it apply to the particular men to whom he objects, but it just reduces by so

much the general appropriation. It is perfectly illogical, and it seems to me his whole argument is just as illogical.

This order is simply presumption of evidence. The gentleman says he can not see any economy in it. Why, the records show that 2 per cent only of men above 62 years of age are found able to so perform manual labor that they could not avail themselves of the law. Consequently if this rule was not in force the 100 per cent would have to be examined, but 98 per cent of that hundred would be found to be entitled to the pension; therefore we save examination of 100 per cent and only 2 per cent of them could be rejected anyway. Therefore I think the gentleman will recognize there is economy in it.

Mr. BOWIE. May I ask the gentleman a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. BOWIE. If that argument is sound, what is the use of having a service pension bill to begin at 62 years of age? Why is there any sense in having a service pension bill if you can put them on by simply saying as a matter of evidence a man 62 years of age is disabled?

Mr. GILLETT of Massachusetts. You mean a service pension in the Regular Army?

Mr. BOWIE. There have been various pension bills at various times in the history of this Government relating to Mexican soldiers, etc. Now, what is the use of having a service pension bill for old age? What is the use of having one if you can put them on when they reach 62 years of age without a law to that effect?

Mr. GILLETT of Massachusetts. I do not see the gentleman's logic. I do not see his point.

Mr. BOWIE. The point is that heretofore it has been considered that if you are to admit to a pension every man over a given age you must say so expressly.

Mr. GILLETT of Massachusetts. Yes.

Mr. BOWIE. That has been said with reference to other wars than the war between the States. As to the civil war, or the war between the States, there has been no such act passed.

Mr. GILLETT of Massachusetts. Of course, we never had any act like this act of 1890, saying that when a man was incapable of manual labor he should be entitled to a pension of a certain amount. We never had any such law before, and so, of course, we never could have such a rule of evidence as this.

Mr. BOWIE. Does the gentleman from Massachusetts [Mr. GILLETT] hold that the act of June, 1890, is legally equivalent to a service-pension act, as was passed with reference to the Mexican war or the war of 1812?

Mr. GILLETT of Massachusetts. I do not know whether that applies to the Mexican war or not. I do not think it does.

Mr. BOWIE. We had to get a service-pension bill through Congress in order to give everybody who served in the Mexican war over a certain age a pension, and the whole point of the objection to order No. 78, as I understood it, was that you did not get the consent of Congress to that same character of legislation in this instance.

Mr. GILLETT of Massachusetts. Does the gentleman from Alabama [Mr. BOWIE] object to the order of Mr. Lochren, under a Democratic Administration, when this law of 1890 began to be administered?

Mr. BOWIE. I think there is a good deal of difference between the order of Mr. Lochren, as it has been explained to me, and order No. 78.

Mr. GILLETT of Massachusetts. Will the gentleman from Alabama [Mr. BOWIE] point out any difference?

Mr. WM. ALDEN SMITH. The difference is that one was Republican and the other Democratic.

Mr. BOWIE. No; the difference is more than the gentleman from Michigan [Mr. SMITH] has stated. The difference, as I have understood, between the Lochren order and order No. 78 is that, in the first place, there is a very much stronger presumption of disability at 75 years of age than at 62 years of age.

Mr. GILLETT of Massachusetts. That order was finally reduced to 65 years.

Mr. BOWIE. The Lochren order did not reduce it to 65 years.

Mr. GILLETT of Massachusetts. One of the Lochren orders did.

Mr. BOWIE. The original order did not.

Mr. GILLETT of Massachusetts. The original was 75, and it was reduced to 65.

Mr. BOWIE. The reduction to 65, as I have understood, was during the McKinley Administration.

Mr. GILLETT of Massachusetts. I think not, but I am not sure about it. Of course that makes no difference in the principle.

Mr. BOWIE. I think it does. Would you say that 21 years of age would be evidence of disability? Seventy-five years might be, but 21 years would not.

Mr. GILLETT of Massachusetts. Then the gentleman from Alabama [Mr. Bowie] admits that some age is an evidence of disability.

Mr. BOWIE. Some age is evidence of disability.

Mr. GILLETT of Massachusetts. That admits, then, the principle and reduces it all to a question of degree.

Mr. BOWIE. The explanation, as I gathered—I may be mistaken—with reference to the Lochren order was that there had been a number of soldiers admitted to pensions under a ruling which the Department afterwards reversed, causing the reexamination of many cases that had been admitted in the interim, and, as that involved a great deal of expense in the reexamination in those cases, they drew a line at the reexamination at 75 years of age, and said they would not reexamine those who were over that age. And I think that very greatly distinguishes the case from the order No. 78, which latter takes as evidence of disability the mere fact that the man is 62 years old.

Mr. GILLETT of Massachusetts. That was so, but the order also provided that when a man reached the age of 75 it should be presumptive evidence of incapacity. It was so under the Cleveland Administration.

Mr. BOWIE. If the gentleman from Massachusetts [Mr. Gillett] states that to be a fact, I will accept it. I was not aware of it.

Mr. SHERLEY. Will the gentleman from Massachusetts [Mr. Gillett] yield for a suggestion and a question?

Mr. GILLETT of Massachusetts. Certainly.

Mr. SHERLEY. I desire to answer his question, that the justification of the act of President Roosevelt can not be made on the basis of the action of President Cleveland. In my judgment they are both wrong in principle, both contrary to the law, and in order to demonstrate that I will say—and I do not wish to talk politics—you have a law proposition up that seems to me perfectly plain. If the President had the right to name 62 years, he had the right to name any less period of time at which a personal disability would be considered as having occurred. Then you have this situation: You have got an arbitrary ruling to determine a fact in place of the judicial determination that the law of 1890 required. Is not that so, and is not that the meat of the proposition?

Mr. GILLETT of Massachusetts. Now, Mr. Chairman, I am glad that the gentleman from Kentucky [Mr. Sherley] in the first place says that he does not distinguish one order from the other, and, of course, if he was not here under the Cleveland Administration I can not make the same criticism upon him that I can upon the gentleman from Alabama [Mr. Underwood].

Mr. SHERLEY. Let us cut politics out and answer the law proposition.

Mr. UNDERWOOD. I want to say to my friend from Massachusetts [Mr. Gillett]—I did not interrupt him before, but he refers to me again—that the order of Mr. Cleveland was made in 1893, and I was not here, as I was not elected to Congress until 1894, and I did not hear of the order until the second order was made under the Cleveland Administration.

Mr. GILLETT of Massachusetts. The gentleman from Alabama was two years a Member under that order of 1893 and the Cleveland Administration.

Mr. UNDERWOOD. Of course many things go on in the Government that you and I have not heard of yet.

Mr. GILLETT of Massachusetts. Certainly; but it is a little singular that no criticism was made on that order until the principle of the order was extended by a Republican President, and the criticism was made just on the eve of a Presidential campaign; but I will leave that out.

Mr. SHERLEY. Eliminate politics and answer my legal proposition.

Mr. GILLETT of Massachusetts (continuing). And I will answer the question of the gentleman from Kentucky, and to him I will say this: That of course, technically, if the President has the right to fix one age you could say he might fix any age. But you must recognize this fact, that this fixing the age at 62 does not fix it as law—does not fix it as a fixed rule. It simply makes that a presumption, and (I do not remember the exact words of the order) in the lack of other evidence that would be considered as proof of disability.

Mr. SHERLEY. If the gentleman from Massachusetts will permit me, does it not enable the Commissioner to pay out money without having had a judicial determination of the facts that the law of 1890 says shall be had?

Mr. GILLETT of Massachusetts. Why, no, Mr. Chairman; no more than these other laws do. Under the law of 1890 they have established in the Department a regular schedule of pre-

sumptions, among them, for instance, one thing—that if a man has lost one finger he is entitled to a certain amount, two fingers another amount, etc.

Mr. BENTON. That is the law.

Mr. GILLETT of Massachusetts. I think not. There are rulings made that certain disabilities shall be allowed a certain amount.

Mr. SHERLEY. I can only answer the gentleman by saying that there the Department has also disregarded the law.

Mr. GILLETT of Massachusetts. The gentleman, then, would take the ground that it is never possible for any judicial body, which I suppose the Pension Department is, to make any presumption at all, but that they must absolutely have the facts in each case, although, as in this case, there has been an investigation, for the Commissioner says he investigated a large number of cases, which show that in 98 per cent of them a man when he gets to 62 years of age comes under the exact technical description of the act of 1890 and is incapacitated. Now, it seems to me, having found that out, it is not only a legal but a very proper and sensible conclusion to frame this order. There is a presumption and consideration of each case. And if there is no other evidence, no contradictory evidence, nothing which casts any suspicion on that particular case, then in the lack of other evidence we will assume as a fact what 98 per cent of our investigation has shown to be the fact.

Mr. SHERLEY. My position is this: Not that it may not be the part of wisdom for the lawmaking body to determine that a presumption was to be indulged in on the part of the Department, but that it does not lie either with the President of the United States or the Commissioner to take a presumption in law for an investigation that the law says shall be made. Now, I think it would be wise—I think this House ought to bring in a bill making it law—that when a man is 62 years of age he shall be presumed to be partially disabled; but I do not think the wisdom of the act ought to blind us to the illegality of it.

Mr. GILLETT of Massachusetts. The gentleman loses sight of the fact, it seems to me, that in making this presumption the Commissioner considers under the law infirmity is a disability. Old age constitutes certainly an infirmity. A man 62 years of age can be fairly considered infirm. So that he has that natural presumption in his favor, and that presumption is founded upon evidence, because the evidence shows the man is 62 years of age, and 62 years of age is ordinarily an infirmity, and in lack of other evidence that can fairly be presumed sufficient. The gentleman, I think, loses sight of the fact that the law specifically allows a pension for infirmities—and advanced age is clearly an infirmity.

Mr. LACEY. If the gentleman will permit me to make a suggestion there, I would state to him that Congress itself has fixed 64 years for the age of retirement of the Regular Army.

Mr. BENTON. That is the law.

Mr. LACEY. By law they are concluded to be disabled to an extent that requires retirement. It might be a good precedent, I would suggest to the gentleman.

Mr. GILLETT of Massachusetts. Well, now, Mr. Chairman, it seems to me that is a sufficient answer to the gentleman that the Commissioner and those under him, in carrying out this act, found on investigation that if a man is 62 years of age he is ordinarily suffering from infirmity, and therefore he can, in lack of other evidence, assume that he has such an infirmity as entitles him to a pension in absence of contradiction.

Mr. ROBINSON of Indiana. Mr. Chairman, if the gentleman will permit me, in the last Congress gentlemen several times intimated that the purpose of this order 78 was to avoid the granting of legislative relief in the direction of a service-pension bill. A large number of such bills were introduced last session, one by the chairman of the Committee on Appropriations [Mr. Hemenway]. Its provisions had received the sanction of the Grand Army of the Republic in their 1903 convention, and was in consonance with thousands of petitions coming to us, asking us to pass a service-pension bill. Now, may I ask the gentleman at this time what his party is likely to do in the way of granting a service-pension bill in response to numerous petitions that have been sent along the line and of bills that have been introduced in this House? If there is anything to be done at all, can the gentleman tell us what it is?

Mr. GILLETT of Massachusetts. I have not any knowledge at all as to what this House is apt to do.

Mr. ROBINSON of Indiana. But the gentleman is not oblivious to the hundreds of petitions that have come here to this Congress, and he is not oblivious to the fact that this Order 78 was charged to be a subterfuge to avoid legislation upon the subject on which the soldiers of the country and the Grand Army desired legislation. Has the gentleman's side of the House until

now kept so quiet because of assurances that the soldiers would get legislation through a service-pension bill?

Mr. GILLETTE of Massachusetts. I am a little surprised that the gentleman should inject such a question as that, when he knows that I have just as little information upon the subject as he has.

I had no idea of taking all this time. I just wish now to read the closing words of section 2 of the act of 1890, which says:

And in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown be rated.

Now, there is ample justification for any Commissioner to decide that at the age of 62 a man is entitled to a pension. Under the very language of that act the fact that the man is 62 years old can be considered an infirmity, and it seems to be preposterous for anybody to claim that it is any infringement of our prerogatives under that provision for the Commissioner of Pensions to make such an order.

It certainly is extraordinary for gentlemen on that side of the House who sat here in silence when President Cleveland begun what they now charge as encroachments to expect that we shall give them much credit for sincerity in these very late attacks.

Mr. BENTON. Mr. Chairman, I am on the committee and I signed the minority report. The gentleman from Ohio [Mr. GROSVENOR], who spoke at length on this question, told the truth when he said that we thrashed out this question last winter. I talked at some length at that time. The political question connected with it was thrashed out during the campaign, and the gentleman's party won, as far as that is concerned. On that subject, if the argument of the distinguished gentleman from Ohio is worth anything, it is that whether you do a lawful act or not, if you win in the election, that "heals up and hairs over the sore." That is all it amounts to. That is what the argument of the gentleman means.

I desire to say this much on the subject, after the veterans from Massachusetts, Alabama, Ohio, and Kentucky have been heard, the real question is this, and that is all there is to it: Should we pension every man who was honorably discharged who served ninety days or more in the United States Army during the civil war? My own opinion is that we ought. I have stood ready here for years, as it is generally known, to vote for a service-pension bill. I believe it is best for the country; I believe it is best for the soldiers, and I do not want to put it off.

The politics of the question last winter was just this: There would not have been 25 votes in this House against a service-pension bill. I was in favor of the bill introduced by the gentleman from Indiana [Mr. HEMENWAY], chairman of the Committee on Appropriations, which was to give them all \$12 a month. But when the figures were made up by the statistician it was discovered that it would raise the pension appropriation bill something like \$38,000,000 per annum. From the Republican standpoint it was not considered safe to raise the appropriation that high when we did not have a great deal of money. Therefore no bill was reported, but this jack was turned from the bottom—order No. 78. That is the politics in it, and a lot of men on our side kicked on it for political reasons, too. There is no reason to kick about it, except that if you intend to pass a service-pension bill you ought to do it. If men on this side of the House are ready to vote for it, you who pretend to be the especial champions of the Federal soldiers ought not to fool them. You ought to tell them the truth and say why you do not pass a service-pension bill, because you do not want to add \$40,000,000 per annum to the appropriations. You ought not to hold out any such false notion as that.

The truth of it is that under order No. 78 a man has to prove every fact and his age, too, before he goes onto this roll. I have no complaint to make of order No. 78, except that it has no law behind it. That is all there is to it. I say you ought now, as soon as you may, to pass a service-pension bill and stop all this rot about it. You might just as well spend this \$40,000,000 for the men who saw service for the Government as to be spending it in other ways, because we spend all we in Congress can get our hands on, and then some besides.

The leaders of the House, who are responsible for the legislation, are struggling now to keep a lot of bills down that appropriate money. We could just as well appropriate it for the ex-Federal soldier as to appropriate it for other things that are not any more necessary. Just simply state the plain truth when you talk about the politics of the situation. Our candidate for the presidency thought he would make something out of it on the question of economy, and the other man "out-smarted" him on the question and made more out of it in the political campaign. That is all there is to it.

Now, Mr. Chairman, I do not think we ought to appropriate money by a special order of the President. I think we ought to pass a service-pension bill. That side of the House—the

Republican—is responsible for the legislation, and if you do not do it now, if it is too late at this session, commence on it early next session and insist upon its being done and stop all this political palaver about the pension question.

I will not quit my place on the floor until I congratulate the country on the fact that the House of Representatives is again in touch with the other end of the Avenue, as has been evidenced this evening by the strong indorsement given to the President by the gentleman from Ohio [Mr. GROSVENOR]. [Laughter.]

The CHAIRMAN. The Clerk will read the bill by paragraphs.

The Clerk, proceeding with the reading of the bill, read as follows:

For army and navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, \$137,000,000: *Provided*, That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

Mr. UNDERWOOD. Mr. Chairman, I move to amend this paragraph by striking out, in line 12, page 1, and line 1, page 2, the words "one hundred and thirty-seven million dollars" and inserting in place thereof "one hundred and thirty-two million five hundred thousand dollars."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 12, and page 2, line 1, strike out the words "one hundred and thirty-seven million dollars" and insert in place thereof the words "one hundred and thirty-two million five hundred thousand dollars."

Mr. VAN VOORHIS. Mr. Chairman, I repeat what I have already said in reference to this amendment, that we appropriate a lump sum. There is no special appropriation for pensions allowed under order No. 78, and if this amendment should carry it means a reduction of pensions all along the line. It would not apply solely to the pensioners who are drawing a pension under the age limit.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Alabama.

The question was taken; and the amendment was rejected.

Mr. UNDERWOOD. Now, Mr. Chairman, I offer the following amendment to the same paragraph.

The Clerk read as follows:

After line 5, page 2, insert:

"*Provided*, No part of the money herein appropriated shall be used to pay pensioners who are now on the pension roll under the law of June 27, 1890, unless it has been proven that said persons served ninety days in the military or naval service of the United States during the late war of the rebellion, and who have been honorably discharged therefrom, were suffering from a mental or physical disability of a permanent character not the result of their own vicious habits, which incapacitate them from performance of manual labor to such a degree as to enable them to earn a support."

Mr. GROSVENOR. Mr. Chairman, I make a point of order against that amendment.

Mr. UNDERWOOD. I will say to the gentleman from Ohio, in the first place, that this is a limitation on the appropriation which can be made. It is not a change of existing law, because I have, with the law before me, copied the law of 1890, and have merely said that it shall be proven that these facts are true—that is, that the facts as stated in the law of 1890, word for word and letter for letter, merely requiring that they shall be proven. If order 78 proves them, why you have got no complaint. It does not change the law. If order No. 78 does not prove them, it does not change the law.

Mr. MANN. May I ask the gentleman a question?

Mr. UNDERWOOD. Yes.

Mr. MANN. Does the gentleman think that putting the same law on the statute book in two places makes it any stronger?

Mr. UNDERWOOD. No; but I think this raises the question that the Comptroller can determine whether order 78, requiring the pension applicant to prove that he is 62 years of age, proves those facts.

Mr. MANN. Why could not the Comptroller determine that now?

Mr. UNDERWOOD. He may not desire to determine it now. If we put this on as a limitation he will have to determine it. I am sure my friend does not object to having the question determined whether we are obeying the law.

Mr. MANN. I have no desire to evade the determination of the law, but I desire to prevent putting the same law twice on the statute book in different places. I can not see how you add anything to the effect of the law by enacting it twice.

Mr. UNDERWOOD. We do not enact it twice. This is merely a limitation of the payment as to this particular money; after this money is paid out the limitation is gone. If it is not

good, he fails anyhow. It merely raises the question under the law. If gentlemen on that side of the House are afraid to let the question be tested as to whether the President's order is a good one and a lawful one or not, why, then vote it down; but if you believe in what you say, that the President of the United States has made an order within the law, then vindicate him by adopting this amendment, and let the law officers of the Government determine that he is within the law.

Mr. FULLER. Mr. Chairman, the existing law contains a clause not included in this amendment, which seems for a purpose to be omitted, and that is the words "upon making due proof of the facts according to such rules and regulations as the Secretary of the Interior may provide."

The rules and regulations are made in part by this order No. 78, as the Secretary had and as it was his duty to make them under the existing law. The amendment proposed, if adopted, would change the existing law by omitting that rule provided by the Secretary of the Interior as to how disability should be established.

There is nothing in this statute that provides whether a man shall have \$6 a month or \$7 a month or \$8 a month or nine or ten or eleven or twelve, except as the rules and regulations are prescribed by the Secretary of the Interior as to how the pensions shall be graded under the act. It was his duty to provide such regulations. Those have been provided in part by the general order known as "order No. 78," under this act, and for the purpose of carrying into effect the intent and purpose of the act.

Mr. UNDERWOOD. Mr. Chairman, I wish to state this: This is not an attempt to amend the law. It is only an attempt to make the pensioners prove their pensionable status under the law, but to meet the criticism of the gentleman from Illinois [Mr. FULLER], I will ask to amend the amendment that I have offered by adding after the word "proved" the words "under the law of June 27, 1890," which makes it conform to the law, and merely makes them prove it under the terms of that law. I am not trying to evade the law.

Mr. GILLET of Massachusetts. Will the gentleman from Alabama permit an inquiry?

Mr. UNDERWOOD. Yes.

Mr. GILLET of Massachusetts. Did the gentleman leave that out intentionally or accidentally?

Mr. UNDERWOOD. I did not leave it out intentionally; I had no desire to do that. My intention was to merely make them prove it under the law. If this is a proof of that, then you vindicate the President.

Mr. MANN. But he does not require vindication. We vindicated him last fall. [Laughter.]

Mr. UNDERWOOD. I know; but you stop any criticism from this side and vindicate his order and prove it is right; but if the law officer does not hold that proving the pensioner is 62 years of age puts him under this law, then you go back to the law of the land. I do not see where you can object to that, if you merely want to obey the laws of the country.

Mr. GROSVENOR. Mr. Chairman, it is enough to say this, that if this does not change existing law I can not see why it is offered. If it does it is not in order at this time.

The CHAIRMAN. It has been suggested by the gentleman from Alabama that it is simply a limitation on the appropriation. What has the gentleman to say as to that?

Mr. GROSVENOR. I withdraw the point of order so that we can get a vote on the matter and get along.

The CHAIRMAN. The gentleman withdraws his point of order, and the question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The Clerk then concluded the reading of the bill.

Mr. ROBINSON of Indiana. Mr. Chairman, I offer the following amendments as additional sections.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add as new sections:

"That from and after the passage of this act, all honorably discharged soldiers and sailors who served at least ninety days in the military or naval service of the United States during the war of the rebellion shall be entitled to receive a pension of \$12 per month, and that the army record of such soldiers or sailors shall be the only voucher necessary to entitle him to such pension. This act shall not be construed as an additional pension to any soldier or sailor now in receipt of a pension at the rate of \$12 per month.

"Sec. 2. That the widow of such soldier or sailor who was married prior to June 27, 1890, and who are without other means of support than their daily labor and an actual net income not exceeding \$250 per year, shall be entitled to receive a pension at \$12 per month."

Mr. VAN VOORHIS. Mr. Chairman, I make the point of order on that.

Mr. ROBINSON of Indiana. Mr. Chairman, I hope the gentleman will reserve his point of order.

Mr. VAN VOORHIS. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ROBINSON of Indiana. Mr. Chairman, I move to strike out the last word. The amendment I have just proposed to the pension bill seems to be about the only means offered by the Republican majority of this House to get consideration for a service pension bill. It was not in order, of course, but if no point is made a change of existing law is permissible on an appropriation bill.

The amendment I offered unfortunately has been objected to by the chairman of the committee in charge of this bill, a Republican, and it seems we are to be denied that privilege even in this form of securing what for years has been asked for by the soldiers of the country. I was careful in the language of this proposed amendment to follow what may be said to represent the sentiments of the Grand Army committee, and the language of the amendment I offered was that embodied in a bill proposed by the chairman of the Appropriations Committee, my colleague from Indiana [Mr. HEMENWAY] early in the session of this Congress. To show that the objection of the gentleman in charge of the bill perhaps was not to its language or to the character of the legislation sought to be enacted, I have made this suggestion to show that the point of order made and sustained runs counter to the sentiments of the soldiers of the country as expressed in their convention. I desire to have read at the Clerk's desk a resolution which I send, which was passed by the Grand Army of the Republic in 1903 in their annual convention in California, just before the introduction of the bill which has been ruled out on the point of order.

The Clerk read as follows:

That the committee on pensions to be appointed for the ensuing year be, and they hereby are, directed to present to Congress for passage a bill which, while not disturbing the beneficent provisions of existing laws, shall provide that every survivor of the war of 1861-1865 who served for a period of ninety days and who was honorably discharged and has passed the age of 62 years shall be pensioned at the rate of \$12 a month, and that a pension of the same amount be paid to the worthy widow of such soldier when said widow was married to such soldier prior to the 27th day of June, 1890.

Mr. ROBINSON of Indiana. Mr. Chairman, it is too late to appeal to my good friend, the gentleman who has seen service in the civil war, the gentleman from Ohio, to not have this point of order made. It is too late to appeal to my friend from Massachusetts, who sought to inject some politics into this discussion, not to have the point of order made, but here is the Grand Army of the Republic asking you in national convention in 1903 for this legislation, and you friends of the soldier on the other side denying consideration to a bill that they want and a majority of this House are ready to vote for. We find ourselves in this attitude. The gentleman from Missouri [Mr. BENTON], a Confederate soldier, himself ready to vote for a service-pension bill, and a majority of us and the Grand Army wanting it. Bills have been introduced here by half a dozen Republican Members asking the relief that the Grand Army wants; asking for the relief to the soldiers that the soldiers in and out of the Grand Army want, and yet a Republican Congress so long has slept that the pigeonholes are the only receptacles of the bills introduced for this relief. If upon this record the gentleman can inject partisanship or political controversies into a debate upon the soldier question, I ask them to make the most of it. [Applause on the Democratic side.]

Mr. GROSVENOR. Mr. Chairman, I had heard somewhere during the civil war our misguided friends in the South were driven to the expedient of enlisting some very young men for the purposes of their campaign, but I did not know they had gone quite down to the tender age which the gentleman from Missouri must have been when he went to war. If the gentleman from Missouri was an excellent soldier at that age he must have had a very light musket and fewer rounds of cartridges than many carried. But I learn he was a good Confederate soldier boy. Now, it shows the effort of the gentleman from Indiana. His proposition is purely and simply buncombe, and you might say "bunko" with almost equal propriety. He knows that the measure that he has suggested can not be put upon this pension bill. He knows it perfectly well, and he knows I can not prevent the point of order, and yet he appeals to me as though he would make some point against me. Let me tell the gentleman where he stands now, and he can not get behind so small a covering that the particular features of his body to which I shall not refer shall not be shown behind the screen.

Right now, within the last hour, we have had a pretty large vote, which, I am glad to say, was a solid vote of the Democratic side of this House, voting to condemn the placing upon the pension rolls of 28,000 soldiers, moving to strike out \$4,000,000, and then to turn around and offer a buncombe resolution

and appeal to us to pass it. We have come very close to the margin, my friend from Indiana, of a personal-pension bill for every soldier; and may I be permitted to say to the gentleman from Indiana, as he has raised the question of politics again, and I am not generally very much indisposed to a little tilt of that character, that there is not one law on the statute books that gives to a soldier a dollar of pension under any general law that was not put there by the practically unanimous vote of the Republican party against the practically unanimous opposition of the Democratic party in both Houses of Congress.

And yet the gentleman is here trying to get some glory or something, I do not know what, out of an amendment that he knows is illegal and in plain violation of the rules, and that he knows is the cheapest kind of buncombe. It is nothing more, it is nothing less, and he would not vote for it himself in a Democratic House, and he could not get fifty votes for it in a Democratic House.

And I may say further to the gentleman from Indiana [Mr. ROBINSON] when this order No. 78, which I say was wise and lawful, has worked out its ultimate effect and we can see what there is left, I will reintroduce, if I am living and in Congress, a service pension bill, as I have already done in the years gone by. And when that time comes, if the gentleman from Indiana [Mr. ROBINSON] is here—and I hope he will be—he will be found in solid organization against such service pension bill. Mr. Chairman, that is all I have to say about this provision.

Mr. ROBINSON of Indiana. Mr. Chairman, I wish to congratulate the gentleman from Ohio [Mr. GROSVENOR] upon his attitude toward the service-pension bill. I was sure that that was his attitude. I have no less reason than the gentleman has, if we go back to the time of the civil war, to be in favor of that kind of a bill myself, instead of lining up anybody against it. I can not see any reason why the gentleman from Ohio [Mr. GROSVENOR] should make a statement to the effect that in the future I might be against it.

Mr. GROSVENOR. We all go marching along in the columns of our party. The gentleman from Indiana [Mr. ROBINSON] is no better than the Democratic party, and I am no better, or not nearly as good as the Republican party, but I always like to get under aegis of its protecting wing.

On motion of Mr. VAN VOORHIS, the committee rose; and the Speaker having resumed the chair, Mr. GRAFF, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 17330, the pension appropriation bill, and had directed him to report the same back to the House with a recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; was read a third time.

Mr. VAN VOORHIS. Mr. Speaker, I move the previous question on the bill to its passage.

The previous question was ordered.

The bill was passed.

On motion of Mr. VAN VOORHIS, a motion to reconsider the last vote was laid on the table.

SECURITY OF TRAVEL UPON RAILROADS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 18785, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent for the present consideration of a bill, which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to cause to be prepared bronze medals of honor, with suitable emblematic devices, which shall be bestowed upon any persons who shall hereafter, by extreme daring, endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing or endeavoring to prevent such wreck, disaster, or grave accident, upon any railroad within the United States engaged in interstate commerce: *Provided,* That no award of said medal shall be made to any person until sufficient evidence of his deserving shall have been furnished and placed on file, under such regulations as may be prescribed by the President of the United States.

Sec. 2. That the President of the United States be, and he is hereby, authorized to issue to any person to whom a medal of honor may be awarded under the provisions of this act a rosette or knot, to be worn in lieu of the medal, and a ribbon to be worn with the medal; said rosette or knot and ribbon to be each of a pattern to be prescribed by the President of the United States: *Provided,* That whenever a ribbon issued under the provisions of this act shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued, a new ribbon shall be issued to such person without charge therefor.

Sec. 3. That the appropriations for the enforcement and execution of the provisions of the acts to promote the safety of employees and travelers upon railroads are hereby made available for carrying out the provisions of this act.

The committee amendment was read, as follows:

Amend the bill by striking out the word "person" in line 6 on page 1 and inserting in lieu thereof the word "persons."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read a third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

GROUNDS IN ST. AUGUSTINE, FLA., FOR SCHOOL PURPOSES.

Mr. DAVIS of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill that I send to the Clerk's desk.

The Clerk read as follows:

A bill (S. 3479) making provision for conveying in fee certain public grounds in the city of St. Augustine, Fla., for school purposes.

Be it enacted, etc., That any conveyance heretofore or hereafter made by the mayor of St. Augustine, Fla., to the board of public instruction of St. John County, Fla., of that certain tract or parcel of ground situate in the said city of St. Augustine, Fla., known as the "old burnt hospital lot," heretofore conveyed by the United States Government to the mayor of St. Augustine, Fla., in trust for school purposes, be, and the same is hereby, authorized, ratified, and confirmed; and the title in and to said lot, upon such conveyance being made, shall vest the title to said ground in fee in the board of public instruction of St. John County, Fla., aforesaid. And the said board of public instruction of St. John County, Fla., is hereby authorized to sell and convey said lot of ground, and to use and appropriate the proceeds thereof in the erection and construction of a public school building in said city of St. Augustine, Fla.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DAVIS of Florida. Mr. Speaker, a formal amendment is necessary.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding the letter "s" to the word "St. John" wherever it occurs in the bill, so that it will read "St. Johns."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to a third reading, and it was accordingly read the third time, and passed.

On motion of Mr. DAVIS of Florida a motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING INTERSTATE COMMERCE IN CERTAIN CASES.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill that I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 4072) to limit the effect of the regulations of commerce between the several States and with foreign countries in certain cases.

Be it enacted, etc., That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory for delivery therein, or remaining therein for use, consumption, sale, or storage therein, shall, upon arrival within the boundary of such State or Territory, before and after delivery, be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquors or liquids had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

Sec. 2. That all corporations and persons engaged in interstate commerce shall, as to any shipment or transportation of fermented, distilled, or other intoxicating liquors or liquids, be subject to all laws and police regulations with reference to such liquors or liquids, or the shipment or the transportation thereof, of the State in which the place of destination is situated, and shall not be exempt therefrom by reason of such liquors or liquids being introduced therein in original packages or otherwise; but nothing in this act shall be construed to authorize a State to control or in any wise interfere with the transportation of liquors intended for shipment entirely through such a State and not intended for delivery therein.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I object.

Mr. HEPBURN. Why, Mr. Speaker, I am surprised at the gentleman from Kentucky. I will ask now, Mr. Speaker, that this bill may be considered the special order on Tuesday next, to be a continuing special order subject to all matters of higher privilege.

Mr. SHERLEY. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Does it require unanimous consent?

The SPEAKER. The gentleman asks unanimous consent.

Mr. SHERLEY. I object.

RATE OF CERTAIN PENSIONERS.

Mr. CALDERHEAD. Mr. Speaker, I am directed by the committee to report the bill to the House, and ask that the report accompanying it be printed in the RECORD.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 18681) fixing the rate of pension for persons eligible under the act of June 27, 1890, and acts amendatory thereof, who require the frequent and periodical or regular and constant aid and attendance of another person.

The SPEAKER. Is there objection to printing the report in the RECORD?

Mr. MADDOX. Mr. Speaker, what is the report on?

The SPEAKER. The gentleman from Kansas asks unanimous consent to print the report in the RECORD upon a bill which has been reported by the Committee on Invalid Pensions, and the Clerk will again report the title of the bill.

Mr. CALDERHEAD. I am not asking unanimous consent; this bill is general legislation, and is privileged. The request for unanimous consent is to print the report in the RECORD; that is all.

Mr. MADDOX. I wanted to find out what it was. I do not know that I would have any objection, but I would like to know what it is.

The SPEAKER. The title will be again reported.

The title was again reported.

The SPEAKER. Is there objection to printing the report in the RECORD? [After a pause.] The Chair hears none.

The report is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 18681) fixing the rate of pension for persons eligible under section 2 of the act of June 27, 1890, who require constant care and attendance, beg leave to submit the following report and recommend that said bill do pass with amendments.

The bill reads as follows:

"That all persons who are eligible for pensions at the rate of \$12 per month under section 2 of the act of June 27, 1890, relating to pensions, and acts amendatory thereof, who are or may hereafter become disabled by blindness, paralysis, or any other disability for manual labor, not the result of their own vicious habits, in such a degree as to require the frequent and periodical or regular and constant aid and attendance of another person, and who are or may be without an actual net income in excess of \$100 per year, exclusive of any pension and exclusive of any real property occupied as a homestead, shall be entitled to a pension at the rate of \$30 per month from the date of application therefor, after the passage of this act, upon proof that the disability then existed."

This bill was favorably reported from this committee by a unanimous report in the second session Fifty-sixth Congress. It was also, by unanimous action of the committee, reported as an amendment to S. 4850 in the Fifty-seventh Congress and passed the House, but was stricken out in conference. It is again reported now by the unanimous vote of this committee in the hope that it will meet the approval of both the House and the Senate and become a law.

The purpose of the act is so manifest that it does not require explanation. It is intended to fix a rate of pensions for the class of men eligible to pension under the act of June 27, 1890, who are so disabled that they would be entitled to pensions at the rate of \$50 or \$72 under the general law if they could establish the fact that their disabilities are of service origin.

The act of June 27, 1890, was passed to give relief to such as could not prove the origin of their disabilities in the service or whose disabilities may have been incurred since their discharge, but it only gives \$12 per month for total disability to earn a support by manual labor.

In the cases where the disability is total blindness or paralysis, or other disability so great as to require the frequent and periodical attendance of other persons, the sum of \$12 is not sufficient for necessary humane care.

It is these cases that come to Congress for relief by special acts.

In every Congress a large number of private bills are introduced, and when members are asked to select the cases of greatest distress and merit they select and give the preference to those who are totally blind or paralyzed or in a condition of disability from disease which requires the frequent aid and attendance of another person.

The members of this committee, some of whom have served three or four terms of Congress on this committee, have observed that nearly one-half of all the bills that are favorably reported from the committee are cases of this kind, and it has become the practice of both the Senate and House committees to report and pass these bills at the rate of \$30 per month.

The experience of the committee is that nearly all the cases of this class that are presented are of real merit and are cases in which existing laws do not provide the relief which a sense of justice and humanity compels us to recognize. The large number of cases which can not be reached and considered by Congress, for want of time, justifies us in this attempt to provide relief by a general law.

The Pension Bureau can not enlarge the existing statutes, but must follow the requirements of the laws which were made, some of them, forty years ago, and these claimants can not now prove sufficiently the origin of their disabilities in the service. The conditions of total blindness, paralysis, and other total disabilities have overtaken them in their old age, and they are without means to secure the aid and attendance necessary. They can only obtain \$12 per month under the act of June 27, 1890.

The rate fixed in the bill, \$30 per month, seems to be reasonable for these cases. It will also establish uniformity of rate for these cases, which can not be reached any other way.

The committee are unanimous in support of the bill, and believe it will relieve Congress of nearly one-half of the cases now presented at every session for private bills.

The committee also believe that this measure will commend itself, and will meet the approval of a generous nation, and report the bill back with the recommendation that it pass.

PROHIBITING INTERSTATE TRANSPORTATION OF INSECT PESTS.

Mr. HASKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 18754) to prohibit interstate transportation of insect pests, and the use of the United States mails for that purpose.

Be it enacted, etc., That no railroad, steamboat, express, stage, or other transportation company shall transport from one State or Territory into any other State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid, except when shipped for scientific purposes under the regulations hereinafter provided for; nor shall any person remove from one State or Territory into another State or Territory, or from a State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, except for scientific purposes under the regulations hereinafter provided for, the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees; or the eggs, pupæ, or larvæ of any insect injurious as aforesaid.

SEC. 2. That any letter, parcel, box, or other package containing the gypsy moth, brown-tail moth, leopard moth, plum curculio, hop plant-louse, or any of them in a live state, or other insect in a live state which is notoriously injurious to cultivated crops, including vegetables, field crops, bush fruits, orchard trees, forest trees, or shade trees, or any letter, parcel, box, or package which contains the eggs, pupæ, or larvæ of any insect injurious as aforesaid, whether sealed as first-class matter or not, is hereby declared to be nonmailable matter, except when mailed for scientific purposes under the regulations hereinafter provided for, and shall not be conveyed in the mails, nor delivered from any post-office, nor by any letter carrier, except when mailed for scientific purposes under the regulations hereinafter provided for; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery anything declared by this section to be nonmailable matter, or cause the same to be taken from the mails for the purpose of retaining, circulating, or disposing of, or of adding in the retention, circulation, or disposition of the same shall, for each and every offense, be fined, upon conviction thereof, not more than \$5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court: *Provided*, That nothing in this act shall authorize any person to open any letter or sealed matter of the first class not addressed to himself.

SEC. 3. That it shall be the duty of the Secretary of Agriculture, and he is hereby authorized and directed to prepare and promulgate rules and regulations under which the insects covered by sections 1 and 2 of this act may be mailed, shipped, transported, delivered, and removed, for scientific purposes, from one State or Territory into another State or Territory, or from the District of Columbia into a State or Territory, or from a State or Territory into the District of Columbia, and any insects covered by sections 1 and 2 of this act may be so mailed, shipped, transported, delivered, and removed, for scientific purposes, under the rules and regulations of the Secretary of Agriculture: *Provided*, That the rules and regulations of the Secretary of Agriculture, in so far as they affect the method of mailing insects, shall be approved by the Postmaster-General.

SEC. 4. That any person, company, or corporation who shall knowingly violate the provisions of section 1 of this act shall, for each offense, be fined, upon conviction thereof, not more than \$5,000 or imprisoned at hard labor not more than five years, or both, at the discretion of the court.

The SPEAKER. Is there objection?

Mr. MADDOX. I reserve the right to object until the gentleman explains this bill.

Mr. HASKINS. Mr. Speaker, this is recommended by the Secretary of Agriculture, and I yield to the gentleman from Massachusetts [Mr. LOVERING] to explain the necessities of the bill.

Mr. LOVERING. Mr. Speaker, it has come to the notice of the Secretary of Agriculture that threats have been made and attempts have been made to spread pests of the sort described in this bill from one State to another. It was found upon proof or ascertainment of an individual doing this that there was no law to prosecute, convict, and punish him for what is really a dastardly crime. It is therefore thought best by the Secretary of Agriculture that a bill should be introduced and passed through Congress and this bill was prepared in the Department of Agriculture.

Mr. MADDOX. Is the bill prepared by the Secretary of Agriculture?

Mr. LOVERING. It is prepared at his instance by the counsel for the Department.

Mr. MADDOX. What committee reports the bill?

Mr. LOVERING. The Committee on Agriculture.

Mr. MADDOX. Is the report unanimous?

Mr. HASKINS. The report is unanimous.

Mr. MADDOX. Does this include the boll weevil?

Mr. LOVERING. Yes; it includes everything that is a pest or destructive to crops.

Mr. FINLEY. If the gentleman will permit me, I will state that I think there is a necessity for this bill. I know that the boll weevil in at least one instance has been brought from Texas to South Carolina. The only time I ever saw the boll weevil was when a friend of mine, coming from Texas to South Carolina, brought several of them in a small bottle or vial. When I informed him I thought it was a serious matter he threw the bottle containing the boll weevils into the stove and destroyed them at my solicitation.

Mr. MANN. Would this affect the right of a person to send one of these insect pests from one of the States to the Department of Agriculture in order to have it identified?

Mr. LOVERING. That is especially provided for, if it is done for scientific purposes.

Mr. MANN. It might not be done for scientific purposes.

Mr. LOVERING. That would be considered a scientific purpose.

Mr. MANN. Where a man sent a pest from his own farm, something like the black rot of cabbage?

Mr. LOVERING. Why should he send it?

Mr. MANN. To find out what it is.

Mr. LOVERING. Exactly, and that is for a scientific purpose.

Mr. MANN. I do not know whether it would be considered a scientific purpose or not.

Mr. LOVERING. The bill is intended to cover that, and there is no doubt that it does provide for the sending of specimens for just such purposes as that.

Mr. PAYNE. Would the bill prevent the importing of the boll weevil from Mexico or any other foreign country?

Mr. LOVERING. It would make it a criminal offense, as I understand it, for anyone to import it.

Mr. PAYNE. As I understood it, the prohibition was against carrying it from any State, Territory, or the District of Columbia into any State, Territory, or the District of Columbia. It seems to me there is quite a wide loophole, because I understand this pest exists in Mexico and that, in fact, it came from Mexico to Texas.

Mr. LOVERING. I have an impression that we shall compass the object desired by passing this bill. That is, we shall shut out that pest from being carried into the different cotton States. The same thing applies to the gypsy moth in Massachusetts and the northern States.

Mr. PAYNE. It seems to me it is rather defective in the particular I have pointed out.

Mr. FITZGERALD. Are these penalties imposed only when the sending is done knowingly?

Mr. LOVERING. When a person is convicted.

Mr. FITZGERALD. Must it be shown that they sent the insect with knowledge?

Mr. LOVERING. Yes; they have to be convicted of a criminal purpose. The bill provides that very clearly.

Mr. FITZGERALD. That does not answer my question. Must the person send these things knowingly before he can be convicted of the criminal offense?

Mr. GRAFF. In both sections where the penalty is imposed the bill uses the words "shall knowingly."

Mr. FITZGERALD. I did not know whether it provided that or not.

Mr. GRAFF. Yes; it does.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. HASKINS, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 6507. An act granting an increase of pension to James J. Champlin;

H. R. 3080. An act granting an increase of pension to David P. Foster;

H. R. 2114. An act granting an increase of pension to William McCloud;

H. R. 1263. An act granting an increase of pension to David Phillips;

H. R. 3710. An act granting an increase of pension to Thomas C. Johnson;

H. R. 4461. An act granting an increase of pension to Frederick Baker;

H. R. 3427. An act granting an increase of pension to Albert Fetterhoff;

H. R. 3273. An act granting an increase of pension to William E. Hill;

H. R. 5205. An act granting an increase of pension to Francis Wilson;

H. R. 5265. An act granting an increase of pension to Sara A. Haskell;

H. R. 7609. An act granting an increase of pension to Mary A. Ryan;

H. R. 7378. An act granting an increase of pension to Israel Purdy;

H. R. 7330. An act granting an increase of pension to John C. Besier;

H. R. 7097. An act granting an increase of pension to John White;

H. R. 7014. An act granting an increase of pension to James J. Boyd;

H. R. 6957. An act granting an increase of pension to Alexander C. Bowen;

H. R. 15776. An act granting an increase of pension to Harrison Ball;

H. R. 15775. An act granting an increase of pension to Daniel W. Smith;

H. R. 15787. An act granting an increase of pension to Thordike P. Heath;

H. R. 6702. An act granting an increase of pension to James Slater;

H. R. 13188. An act granting an increase of pension to Charles H. Dunihue;

H. R. 13324. An act granting an increase of pension to John Kesler;

H. R. 5876. An act granting an increase of pension to Elijah S. Carleton;

H. R. 5887. An act granting an increase of pension to William H. Swinney;

H. R. 5113. An act granting an increase of pension to Almon W. Gould;

H. R. 5995. An act granting an increase of pension to Joseph Fulton;

H. R. 5284. An act granting an increase of pension to John Maupin;

H. R. 15768. An act granting an increase of pension to R. Howard Wallace;

H. R. 15769. An act granting an increase of pension to Henry Peoples;

H. R. 7761. An act granting an increase of pension to Quintus Hummel;

H. R. 7760. An act granting an increase of pension to Sarah A. Pierce;

H. R. 15466. An act granting an increase of pension to Isaac B. Snively;

H. R. 15497. An act granting an increase of pension to Patrick H. Oliver;

H. R. 15504. An act granting an increase of pension to Ellen Tuite;

H. R. 15520. An act granting an increase of pension to William P. Dunnington;

H. R. 15529. An act granting an increase of pension to James M. Elkinton;

H. R. 15558. An act granting an increase of pension to Edwin R. Manson;

H. R. 15575. An act granting an increase of pension to Jones Adler;

H. R. 15617. An act granting an increase of pension to Aaron S. Gatliff;

H. R. 15631. An act granting an increase of pension to John Brooks;

H. R. 13105. An act granting an increase of pension to William F. Gaut;

H. R. 15632. An act granting an increase of pension to Barney Carroll;

H. R. 14909. An act granting an increase of pension to Albert E. Barnes;

H. R. 15004. An act granting an increase of pension to William N. Meacham;

H. R. 15169. An act granting an increase of pension to Loretta V. Biggs;

H. R. 15240. An act granting an increase of pension to James C. Baker;

H. R. 15252. An act granting an increase of pension to Maria Edmundson;

H. R. 15293. An act granting an increase of pension to John P. Davis;

H. R. 15324. An act granting an increase of pension to Joseph W. Winger;

H. R. 15406. An act granting an increase of pension to George W. Carpenter;

H. R. 15411. An act granting an increase of pension to Isalah Garretson;

H. R. 15415. An act granting an increase of pension to Jonas H. Upton;

H. R. 15431. An act granting an increase of pension to Andrew Pinney;

- H. R. 11020. An act granting an increase of pension to Henry W. Hurlbut;
- H. R. 13260. An act granting an increase of pension to William Starks;
- H. R. 14600. An act granting an increase of pension to Joseph Woods;
- H. R. 14680. An act granting an increase of pension to Monroe Chapin;
- H. R. 14695. An act granting an increase of pension to Francis D. Lewis;
- H. R. 15044. An act granting an increase of pension to Nahr-vista G. Heard;
- H. R. 15079. An act granting an increase of pension to Constantine J. McLaughlin;
- H. R. 15043. An act granting an increase of pension to James R. Ferson;
- H. R. 15019. An act granting an increase of pension to John H. Elston;
- H. R. 14798. An act granting an increase of pension to Lusera Allen;
- H. R. 14908. An act granting an increase of pension to Henry Leib;
- H. R. 10206. An act granting an increase of pension to Benjamin F. Minnick;
- H. R. 10950. An act granting an increase of pension to William Clark;
- H. R. 9271. An act granting an increase of pension to William Dyas;
- H. R. 8395. An act granting an increase of pension to James Duffy;
- H. R. 10181. An act granting an increase of pension to Andrew Hall;
- H. R. 10387. An act granting an increase of pension to Aaron C. Perry;
- H. R. 11055. An act granting an increase of pension to Win-field S. Russell;
- H. R. 9140. An act granting an increase of pension to James L. Capp;
- H. R. 8392. An act granting an increase of pension to Eli B. Helm;
- H. R. 9769. An act granting an increase of pension to Joseph Pershing;
- H. R. 10353. An act granting an increase of pension to Henry S. Riggs;
- H. R. 13877. An act granting an increase of pension to Frederick Lilje;
- H. R. 14028. An act granting an increase of pension to Carrie E. Risley;
- H. R. 14444. An act granting an increase of pension to Wil-liam A. Stovall;
- H. R. 9065. An act granting an increase of pension to Albert Z. Norton;
- H. R. 8208. An act granting an increase of pension to Bur-leigh C. D. Read;
- H. R. 9550. An act granting an increase of pension to Wil-liam Butler;
- H. R. 10342. An act granting an increase of pension to Wil-liam W. Marple;
- H. R. 11018. An act granting an increase of pension to Wil-liam B. Bruner;
- H. R. 8839. An act granting an increase of pension to Thomas M. Hicks;
- H. R. 8077. An act granting an increase of pension to John McFarlane;
- H. R. 9335. An act granting an increase of pension to Joseph N. Croak;
- H. R. 14108. An act granting an increase of pension to Timothy L. Taylor;
- H. R. 14495. An act granting an increase of pension to Jack-son Adams;
- H. R. 10691. An act granting an increase of pension to James W. Hilyard;
- H. R. 11312. An act granting an increase of pension to Malana W. Brant;
- H. R. 11490. An act granting an increase of pension to Albert Jones;
- H. R. 11855. An act granting an increase of pension to John Cross;
- H. R. 12090. An act granting an increase of pension to Wil-liam R. Clark;
- H. R. 12488. An act granting an increase of pension to George H. Coddington;
- H. R. 12820. An act granting an increase of pension to Isa-bella Bryson;
- H. R. 13419. An act granting an increase of pension to George Weeks;
- H. R. 13260. An act granting an increase of pension to Wil-liam Starks;
- H. R. 14255. An act granting an increase of pension to Mar-garet H. Bates;
- H. R. 10948. An act granting an increase of pension to John N. Matthews;
- H. R. 11399. An act granting an increase of pension to James Sleeth;
- H. R. 11599. An act granting an increase of pension to Albert S. Granger;
- H. R. 11859. An act granting an increase of pension to De-borah H. Bliss;
- H. R. 12171. An act granting an increase of pension to John Davis;
- H. R. 12601. An act granting an increase of pension to Francis M. Prill;
- H. R. 13007. An act granting an increase of pension to Fred-erick B. Schnebly;
- H. R. 13546. An act granting an increase of pension to Joel J. Addison;
- H. R. 13324. An act granting an increase of pension to John Kesler;
- H. R. 13887. An act granting an increase of pension to Jacob Steffes;
- H. R. 14219. An act granting an increase of pension to Earl J. Lamson;
- H. R. 10628. An act granting an increase of pension to Mar-garet B. Rapp;
- H. R. 11303. An act granting an increase of pension to Robert Balsking;
- H. R. 11494. An act granting an increase of pension to Sarah Jane Grissom;
- H. R. 11847. An act granting an increase of pension to James B. Croly;
- H. R. 12079. An act granting an increase of pension to Mary L. G. Mew;
- H. R. 12255. An act granting an increase of pension to Ben-jamin F. Gudgey;
- H. R. 12795. An act granting an increase of pension to John L. Lee;
- H. R. 13377. An act granting an increase of pension to Albert R. Straub;
- H. R. 13188. An act granting an increase of pension to Charles H. Dunihue;
- H. R. 13656. An act granting an increase of pension to Mary W. Martin;
- H. R. 13969. An act granting an increase of pension to Dora Smith;
- H. R. 10392. An act granting an increase of pension to Silas B. Irion;
- H. R. 11114. An act granting an increase of pension to Wil-liam D. Leek;
- H. R. 11465. An act granting an increase of pension to Fran-cis E. Rex;
- H. R. 11613. An act granting an increase of pension to Alex-ander H. Sockman;
- H. R. 12007. An act granting an increase of pension to Henry R. K. Lockman;
- H. R. 12252. An act granting an increase of pension to James Baremore, alias James Baker;
- H. R. 12660. An act granting an increase of pension to Mar-garet Russell;
- H. R. 13330. An act granting an increase of pension to Mi-chael Kelly, alias Patrick Kelly;
- H. R. 13105. An act granting an increase of pension to Wil-liam F. Gaut;
- H. R. 13547. An act granting an increase of pension to Lewis J. Parr;
- H. R. 13955. An act granting an increase of pension to Elijah G. Wood;
- H. R. 15857. An act granting an increase of pension to David Galbreath;
- H. R. 15848. An act granting an increase of pension to John Reninger;
- H. R. 15838. An act granting an increase of pension to Mary F. Fuller;
- H. R. 15874. An act granting an increase of pension to John Kingdon;
- H. R. 15869. An act granting an increase of pension to Ben-jamin H. Scrivens;
- H. R. 15866. An act granting an increase of pension to Ben-jamin F. Hopkins;
- H. R. 15865. An act granting an increase of pension to William H. McClellan;
- H. R. 15835. An act granting an increase of pension to James M. Walker;

- H. R. 15823. An act granting an increase of pension to James M. Liddil;
H. R. 15822. An act granting an increase of pension to Oliver P. Beckmon;
H. R. 15788. An act granting an increase of pension to Silas W. Bullock;
H. R. 17672. An act granting an increase of pension to Oliver C. Cleveland;
H. R. 17660. An act granting an increase of pension to James H. Wasson;
H. R. 17653. An act granting an increase of pension to Hezekiah H. Sherman;
H. R. 17605. An act granting an increase of pension to Joseph B. Scott.
H. R. 17595. An act granting an increase of pension to Catherine A. Hogan;
H. R. 17558. An act granting an increase of pension to Sarah A. Morrison;
H. R. 17390. An act granting an increase of pension to Samuel Sunderland;
H. R. 17374. An act granting an increase of pension to Georgia A. Harlow;
H. R. 17361. An act granting an increase of pension to Samuel H. Renfro;
H. R. 17325. An act granting an increase of pension to Albert H. Noble;
H. R. 15863. An act granting an increase of pension to Mark Wilde;
H. R. 17403. An act granting an increase of pension to Horace Winslow;
H. R. 17443. An act granting an increase of pension to Oscar Hinkley;
H. R. 17543. An act granting an increase of pension to Lafayette Brashear;
H. R. 17537. An act granting an increase of pension to Theodore Titus;
H. R. 17464. An act granting an increase of pension to Nancy J. Nelson;
H. R. 17452. An act granting an increase of pension to Franklin Savage;
H. R. 17771. An act granting an increase of pension to Jerome B. Nulton;
H. R. 17755. An act granting an increase of pension to Davis D. Osterhoudt;
H. R. 17731. An act granting an increase of pension to William Stewart;
H. R. 17770. An act granting an increase of pension to Matilda D. Clark;
H. R. 17677. An act granting an increase of pension to James Hudson;
H. R. 16748. An act granting a pension to Frona J. Wooten;
H. R. 16625. An act granting a pension to Laura A. Baughey;
H. R. 16540. An act granting a pension to Annie B. Orr;
H. R. 17261. An act granting a pension to Mary A. Gibson;
H. R. 17151. An act granting a pension to Avery Dalton;
H. R. 16932. An act granting a pension to Louisa E. Cummings;
H. R. 16849. An act granting a pension to Edward H. Holden;
H. R. 17635. An act granting a pension to John Burke;
H. R. 17274. An act granting a pension to Louis A. Lavalley;
H. R. 17437. An act granting an increase of pension to Albert H. Glassmire;
H. R. 17434. An act granting an increase of pension to Samuel H. Draper;
H. R. 15328. An act granting a pension to William H. H. Simpkins;
H. R. 15239. An act granting a pension to Isabella Burke;
H. R. 15655. An act granting a pension to Mattie M. Bond;
H. R. 15640. An act granting a pension to William E. Quirk;
H. R. 15639. An act granting a pension to Mollie Townsley;
H. R. 15097. An act granting a pension to William H. Miller;
H. R. 16472. An act granting a pension to Frances A. McQuiston;
H. R. 16471. An act granting a pension to Martha C. Watkins;
H. R. 16384. An act granting a pension to Thomas Poag;
H. R. 15891. An act granting a pension to Harriett Stanley;
H. R. 16749. An act granting a pension to George W. Cowan;
H. R. 9410. An act granting a pension to Rosa Miller;
H. R. 10027. An act granting a pension to Green W. Hodge;
H. R. 15199. An act granting a pension to Mary J. Lansing, formerly Mary J. Abbott;
H. R. 14305. An act granting a pension to Walter Gardner;
H. R. 13332. An act granting a pension to Honora Sullivan;
H. R. 12341. An act granting a pension to John Stilts;
H. R. 15082. An act granting a pension to James C. Albritton;
H. R. 14485. An act granting a pension to Charlotte M. Wylie;
H. R. 14406. An act granting a pension to Paul W. Thompson;
H. R. 15335. An act granting a pension to John Crotty;
H. R. 15491. An act granting a pension to Theresa M. Kennedy;
H. R. 17060. An act granting an increase of pension to Daniel H. Hastings;
H. R. 8423. An act granting a pension to Joseph Hepworth;
H. R. 3426. An act granting a pension to George W. Graig;
H. R. 6663. An act granting a pension to Mahala Alexander;
H. R. 7252. An act granting a pension to James M. Garrett;
H. R. 9405. An act granting a pension to Andrew Long;
H. R. 9062. An act granting a pension to John Goodspeed;
H. R. 8477. An act granting a pension to John W. Guest;
H. R. 8476. An act granting a pension to Rolen J. Southerland;
H. R. 12155. An act granting a pension to Nancy Hill;
H. R. 10096. An act granting a pension to Louise E. Lavey;
H. R. 17891. An act granting an increase of pension to Robert M. Alexander;
H. R. 17849. An act granting an increase of pension to James Freeman;
H. R. 17773. An act granting an increase of pension to William Hubbs;
H. R. 18003. An act granting an increase of pension to Alfred Rowan;
H. R. 18002. An act granting an increase of pension to Isaac Williams;
H. R. 17977. An act granting an increase of pension to William Barnhard;
H. R. 17917. An act granting an increase of pension to Lewis Hammack;
H. R. 18268. An act granting an increase of pension to Annie Crawford;
H. R. 18144. An act granting an increase of pension to William Stout;
H. R. 18095. An act granting an increase of pension to Charlotte F. Russell;
H. R. 18031. An act granting an increase of pension to John Tipton;
H. R. 17119. An act granting an increase of pension to Lewis Hitt;
H. R. 17092. An act granting an increase of pension to John Jeffers;
H. R. 17275. An act granting an increase of pension to Carmen Frazee;
H. R. 17272. An act granting an increase of pension to Chauncey L. Guilford;
H. R. 17262. An act granting an increase of pension to Jennie N. Jones;
H. R. 17244. An act granting an increase of pension to John Winemiller;
H. R. 17311. An act granting an increase of pension to Adam W. Grassley;
H. R. 17300. An act granting an increase of pension to Charles H. Penoyer;
H. R. 17297. An act granting an increase of pension to Joseph C. Prosser;
H. R. 17290. An act granting an increase of pension to John W. Grove;
H. R. 17900. An act granting an increase of pension to Edward M. Mobley;
H. R. 17164. An act granting an increase of pension to Solomon Carpenter;
H. R. 17162. An act granting an increase of pension to Thomas Dukes;
H. R. 17161. An act granting an increase of pension to Claiborne J. Walton;
H. R. 17139. An act granting an increase of pension to George W. Jennings;
H. R. 17147. An act granting an increase of pension to James A. Gossett;
H. R. 17240. An act granting an increase of pension to Luther Kaltenbach;
H. R. 17232. An act granting an increase of pension to Martha McAfee;
H. R. 17222. An act granting an increase of pension to William G. Mullen;
H. R. 17236. An act granting an increase of pension to Sarah B. Hirl;
H. R. 17131. An act granting an increase of pension to James W. Cross;
H. R. 17126. An act granting an increase of pension to Caroline Jennings;

- H. R. 16876. An act granting an increase of pension to Samuel Nicholas;
 H. R. 16834. An act granting an increase of pension to Thomas Harris;
 H. R. 16774. An act granting an increase of pension to John J. James;
 H. R. 16879. An act granting an increase of pension to William H. Brown;
 H. R. 16842. An act granting an increase of pension to Lydia P. Kelly;
 H. R. 16813. An act granting an increase of pension to Laura A. Hinkley;
 H. R. 16861. An act granting an increase of pension to Mary L. Walker;
 H. R. 16815. An act granting an increase of pension to Michael L. Essick;
 H. R. 16745. An act granting an increase of pension to John W. Davis;
 H. R. 17201. An act granting an increase of pension to Henry Lorch;
 H. R. 17197. An act granting an increase of pension to James Mitchell;
 H. R. 16946. An act granting an increase of pension to William Huddleson;
 H. R. 17084. An act granting an increase of pension to Alonzo P. Spooner;
 H. R. 16953. An act granting an increase of pension to John Ryan;
 H. R. 16968. An act granting an increase of pension to John H. Ladd;
 H. R. 17017. An act granting an increase of pension to Joseph S. Thompson;
 H. R. 16962. An act granting an increase of pension to James J. Creigh;
 H. R. 16920. An act granting an increase of pension to Stillwell Truax;
 H. R. 16896. An act granting an increase of pension to Thomas Reynolds;
 H. R. 16874. An act granting an increase of pension to Reuben Terry;
 H. R. 16828. An act granting an increase of pension to James Spaulding;
 H. R. 16746. An act granting an increase of pension to James J. Summers;
 H. R. 15924. An act granting an increase of pension to William Shadrick;
 H. R. 15946. An act granting an increase of pension to Oliver Marcus Bump;
 H. R. 15968. An act granting an increase of pension to James L. Hodges;
 H. R. 16099. An act granting an increase of pension to Lafayette Boutwell;
 H. R. 16123. An act granting an increase of pension to William Smith;
 H. R. 17035. An act granting an increase of pension to William H. Miles;
 H. R. 17046. An act granting an increase of pension to Hartvig Engbretson;
 H. R. 17085. An act granting an increase of pension to William S. Stanley;
 H. R. 17068. An act granting an increase of pension to James A. Coll;
 H. R. 16929. An act granting an increase of pension to John Moore;
 H. R. 17073. An act granting an increase of pension to Francis M. Shewmaker;
 H. R. 15746. An act granting an increase of pension to Israel Roll;
 H. R. 15888. An act granting an increase of pension to James E. Andrews;
 H. R. 15922. An act granting an increase of pension to William J. Cheney;
 H. R. 15941. An act granting an increase of pension to Israel V. Hoag;
 H. R. 15962. An act granting an increase of pension to Charles T. Beals;
 H. R. 16072. An act granting an increase of pension to Albert H. Barry;
 H. R. 16121. An act granting an increase of pension to Edward Root;
 H. R. 15657. An act granting an increase of pension to William Tawney;
 H. R. 15729. An act granting an increase of pension to Phaon Hartman;
 H. R. 15747. An act granting an increase of pension to Henry A. Wesson;
 H. R. 15903. An act granting an increase of pension to George T. Barker;
 H. R. 15637. An act granting an increase of pension to William A. Smith;
 H. R. 15719. An act granting an increase of pension to Harriet N. Jones;
 H. R. 15741. An act granting an increase of pension to John S. Duncan;
 H. R. 15887. An act granting an increase of pension to George F. Ludwig;
 H. R. 15919. An act granting an increase of pension to Joseph Flike;
 H. R. 15929. An act granting an increase of pension to Anna E. Brown;
 H. R. 15954. An act granting an increase of pension to Ira D. McClary;
 H. R. 16054. An act granting an increase of pension to Patrick O'Brien;
 H. R. 16105. An act granting an increase of pension to Cyrus B. Allen;
 H. R. 15645. An act granting an increase of pension to Samuel B. Clark;
 H. R. 15728. An act granting an increase of pension to Waldron C. Townsend;
 H. R. 15669. An act granting an increase of pension to Matthew C. Danforth;
 H. R. 15685. An act granting an increase of pension to Elizabeth Krehbiel;
 H. R. 15633. An act granting an increase of pension to Henry King;
 H. R. 15710. An act granting an increase of pension to Luther W. Cannon;
 H. R. 15730. An act granting an increase of pension to Benjamin F. Shireman;
 H. R. 15886. An act granting an increase of pension to William S. Radcliffe;
 H. R. 15918. An act granting an increase of pension to Thomas Cullen;
 H. R. 15927. An act granting an increase of pension to Freeman C. Witherby;
 H. R. 15947. An act granting an increase of pension to Philander S. Wright;
 H. R. 16046. An act granting an increase of pension to Frederick Lahrmann;
 H. R. 16104. An act granting an increase of pension to Thomas Lanning;
 H. R. 16177. An act granting an increase of pension to Elisha C. Davidson;
 H. R. 16216. An act granting an increase of pension to Philo G. Tuttle;
 H. R. 16165. An act granting an increase of pension to Francis L. Howard;
 H. R. 16167. An act granting an increase of pension to Edward J. Dillon;
 H. R. 16166. An act granting an increase of pension to Charles P. Morrison;
 H. R. 16175. An act granting an increase of pension to Merrick D. Frost;
 H. R. 16140. An act granting an increase of pension to Nelson A. Fitts;
 H. R. 16132. An act granting an increase of pension to Mary A. Seele;
 H. R. 16162. An act granting an increase of pension to Charles Müller;
 H. R. 16149. An act granting an increase of pension to Thomas J. Moore;
 H. R. 15661. An act granting an increase of pension to Malden Valentine;
 H. R. 16325. An act granting an increase of pension to Jonas Myers;
 H. R. 16232. An act granting an increase of pension to Charles V. Jenkins;
 H. R. 16234. An act granting an increase of pension to Benjamin H. Hartman;
 H. R. 16239. An act granting an increase of pension to Mary K. Roane;
 H. R. 16254. An act granting an increase of pension to Lydia R. Howard;
 H. R. 16312. An act granting an increase of pension to Alpheus Townsend;
 H. R. 16324. An act granting an increase of pension to Richard Rollings;

H. R. 16310. An act granting an increase of pension to Hugh McKenzie, alias James A. Trainer;
 H. R. 16308. An act granting an increase of pension to Webster Eaton;
 H. R. 16226. An act granting an increase of pension to William W. Smith;
 H. R. 16215. An act granting an increase of pension to Fitz Allen Gourley;
 H. R. 4385. An act granting an increase of pension to Thomas Thompson;
 H. R. 16426. An act granting an increase of pension to Alexander Jones;
 H. R. 16395. An act granting an increase of pension to Josephine A. Smith;
 H. R. 16420. An act granting an increase of pension to William C. Travis;
 H. R. 16392. An act granting an increase of pension to John Tusing;
 H. R. 16419. An act granting an increase of pension to F. A. William Weaver;
 H. R. 16370. An act granting an increase of pension to Henry H. Wright;
 H. R. 16385. An act granting an increase of pension to Edwin Vincent;
 H. R. 16386. An act granting an increase of pension to Bryan Dunbar;
 H. R. 16335. An act granting an increase of pension to Frank C. Culley;
 H. R. 16364. An act granting an increase of pension to Gustav Tafel;
 H. R. 16444. An act granting an increase of pension to Henry C. Snyder;
 H. R. 16455. An act granting an increase of pension to Elizabeth M. Ketcham;
 H. R. 16457. An act granting an increase of pension to Herbert S. Nelson;
 H. R. 16473. An act granting an increase of pension to John R. Karns;
 H. R. 16488. An act granting an increase of pension to Daniel Reagan;
 H. R. 16474. An act granting an increase of pension to Oliver McFadden;
 H. R. 16499. An act granting an increase of pension to Green Yeiser;
 H. R. 16424. An act granting an increase of pension to Charles M. Fay;
 H. R. 16427. An act granting an increase of pension to Alfred D. Launder;
 H. R. 16443. An act granting an increase of pension to Johanna J. Naughton;
 H. R. 8983. An act granting an increase of pension to Jonathan R. Cox;
 H. R. 16578. An act granting an increase of pension to Caroline Vifquain;
 H. R. 16579. An act granting an increase of pension to Isaac Vanatta;
 H. R. 16573. An act granting an increase of pension to Jonathan Wiggins;
 H. R. 16551. An act granting an increase of pension to William Morris;
 H. R. 16526. An act granting an increase of pension to John H. Caton;
 H. R. 16525. An act granting an increase of pension to Henry A. Glenn;
 H. R. 16544. An act granting an increase of pension to Varner G. Root;
 H. R. 16524. An act granting an increase of pension to Nancy B. Stratton;
 H. R. 16503. An act granting an increase of pension to Dillon Asher;
 H. R. 16501. An act granting an increase of pension to George Jagers;
 H. R. 16390. An act granting an increase of pension to Mortimer C. Briggs;
 H. R. 16619. An act granting an increase of pension to George Meisner;
 H. R. 16617. An act granting an increase of pension to Jacob Bowers;
 H. R. 16618. An act granting an increase of pension to Alfred N. Brown;
 H. R. 16613. An act granting an increase of pension to Cornelia J. Schoonover;
 H. R. 16614. An act granting an increase of pension to Jacob Repsher;

H. R. 16598. An act granting an increase of pension to John Bryan;
 H. R. 16603. An act granting an increase of pension to George S. Williams;
 H. R. 16589. An act granting an increase of pension to Martha Peck;
 H. R. 16581. An act granting an increase of pension to Eli Dabler;
 H. R. 16574. An act granting an increase of pension to Leonard C. Davis;
 H. R. 16575. An act granting an increase of pension to John E. Hurley;
 H. R. 16502. An act granting an increase of pension to Henry Raeder;
 H. R. 16685. An act granting an increase of pension to Isalah M. Adams;
 H. R. 16687. An act granting an increase of pension to M. Helen Orchard;
 H. R. 16730. An act granting an increase of pension to Daniel Smith;
 H. R. 16740. An act granting an increase of pension to Laura Coleman;
 H. R. 16731. An act granting an increase of pension to Wallace W. Hicks;
 H. R. 16701. An act granting an increase of pension to Emanuel F. Brown;
 H. R. 16707. An act granting an increase of pension to John Bechman;
 H. R. 16702. An act granting an increase of pension to John A. Cairnes;
 H. R. 16668. An act granting an increase of pension to Emile H. Brie, alias Amede Brea;
 H. R. 16684. An act granting an increase of pension to Lena Loeser;
 H. R. 16654. An act granting an increase of pension to Isaac C. Buswell;
 H. R. 16620. An act granting an increase of pension to Alonzo Ackerman; and
 H. R. 16663. An act granting an increase of pension to Henry Newcomer.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6017. An act for the relief of certain homestead settlers in the State of Alabama; and

S. 4609. An act to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Manteo, N. C.

JUDICIAL DISTRICTS IN OREGON.

Mr. GILLET of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 285) to divide the State of Oregon into two judicial districts.

The bill was read, as follows:

Be it enacted, etc., That section 531 of the Revised Statutes is hereby amended by striking therefrom the word "Oregon."

SEC. 2. That the State of Oregon is hereby divided into two judicial districts, which shall be called the eastern and western judicial districts of the State of Oregon. The eastern district shall include the counties of Baker, Malheur, Harney, Grant, Union, Wallowa, Umatilla, Morrow, Sherman, Gilliam, Crook, Wheeler, and Lake, with the waters thereof. The western district shall include the residue of said State of Oregon with the waters thereof.

SEC. 3. That the district judge of the judicial district of Oregon as heretofore and now constituted, and in office at the time this act takes effect, shall be the district judge for the western judicial district of Oregon as constituted by this act. That the clerk of the circuit court and the clerk of the district court in said judicial district of Oregon as heretofore and now constituted, and in office at the time this act takes effect, shall be the clerks of the circuit and district courts of the western judicial district of Oregon, respectively, as hereby constituted, until their successors, respectively, shall be appointed and qualified. The district attorney, assistant district attorneys, marshal, deputy marshals, deputy clerks, and referees in bankruptcy in said judicial district of Oregon as now constituted, shall continue as such officers, respectively, in said western judicial district, as constituted by this act, and shall continue in office and continue to be such officers in such western district until the expiration of their respective terms of office as heretofore fixed by law, or until their successors shall be duly appointed and qualified.

SEC. 4. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the eastern judicial district of Oregon, who shall possess and exercise all the powers conferred by existing law upon the judges of district courts of the United States, and who shall, as to all business and proceedings arising in said eastern judicial district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within said eastern judicial district as are now possessed by and performed by the district judge for the district of Oregon.

SEC. 5. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a marshal and district attorney for the said eastern judicial district of Oregon as hereby constituted, who shall, within their respective jurisdictions, possess and exercise all the powers conferred by existing law upon the marshals and district attorneys of the United States, respectively.

SEC. 6. That the office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and

all other officers authorized by law and made necessary by the creation of said two districts and the provisions of this act, and all the vacancies created thereby, if any, in either of said districts as constituted by this act, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, clerks, and other officers in said districts, until changed under the provisions of existing law, shall be the same, respectively, as now fixed by law for such officers in the judicial district of Oregon as heretofore and now constituted.

SEC. 7. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Oregon, as heretofore and now constituted, whereof the courts of the eastern judicial district of Oregon as hereby constituted would have had jurisdiction if said districts and the courts thereof had been constituted when such causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the eastern judicial district of Oregon as hereby constituted; and jurisdiction thereof is hereby transferred to and vested in the courts of said eastern judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto; and all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the judicial district of Oregon as heretofore constituted, whereof the courts of the western judicial district of Oregon as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to and the same shall be proceeded with in the western judicial district of Oregon as hereby constituted, and jurisdiction thereof is hereby transferred to and vested in the courts of said western judicial district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said judicial district of Oregon as heretofore and now constituted in which the evidence has been taken, in whole or in part, before the present district judge of the judicial district of Oregon as heretofore constituted, or taken in whole or in part and submitted and passed upon by said district judge, shall be proceeded with and disposed of in said western judicial district of Oregon as constituted by this act.

SEC. 8. That the regular terms of the circuit and district courts of the United States for the western district of Oregon shall be held at the following times and place, namely: At the city of Portland, beginning on the second Monday in March and second Monday in October in each year. That the regular terms of the circuit and district courts of the United States for the eastern district of Oregon shall be held at the following times and place, namely: At Baker City, beginning on the second Monday in April and the second Monday in November in each year: *Provided*, That the terms of said courts shall not be limited to any particular number of days.

SEC. 9. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this act in which indictments have not been found or proceedings instituted shall be cognizable within the district as hereby constituted in which such crimes or offenses were committed.

SEC. 10. That all laws and parts of laws, so far as inconsistent with the provisions of this act, are hereby repealed.

SEC. 11. That this act shall take effect on the 1st day of May, 1905.

The SPEAKER. Is there objection?

Mr. McCLEARY of Minnesota. Reserving the right to object, I would like to hear some reason for this.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask whether this has the unanimous report of the Judiciary Committee?

Mr. GILLET of California. It has not. The gentleman from New Jersey [Mr. PARKER] has filed a minority report. The bill has passed the Senate and has been reported from the Judiciary Committee of the House. The report filed by the House committee contains the Senate report, which gives the reason or necessity for establishing a court in eastern Oregon. In the State of Washington a similar bill has passed this House, and I think the Senate, granting another district to the State of Washington. Oregon is a great State, fast developing, and in the eastern and southeastern part of the State it takes about a week to get to Portland, where the court is held.

It costs a large sum of money not only to the Government, but to private parties for witnesses, etc., to travel that great distance. It is because of the fact that the mountains are through the center of the State and the eastern and southeastern part is so cut off from where the court is now held that the people of that State feel that this is a great necessity.

Mr. PAYNE. Would not that objection be obviated by having a subdivision or two subdivisions of the court held there? We only have two Members of Congress from Oregon.

Mr. GILLET of California. I was requested to bring this matter up. The committee thought at the time it was presented by Senator FULTON, of Oregon, and Mr. WILLIAMSON, of the House, that sufficient reasons for it were given.

Mr. PAYNE. It seems as if one judge could do all the business if we had two subdivisions.

The SPEAKER. Is there objection?

Mr. HOWARD. I object.

The SPEAKER. The gentleman from Georgia objects.

BRIDGE ACROSS RAINY RIVER, MINNESOTA.

Mr. BEDE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 18751) to extend the

time for construction of the bridge across Rainy River by the International Bridge and Terminal Company.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. HOWARD. I object.

QUALIFICATIONS OF DIRECTORS OF NATIONAL BANKS.

Mr. BURKE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 7065) to amend section 5146 of the Revised Statutes of the United States in relation to the qualifications of directors of national banking associations.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5146 of the Revised Statutes of the United States be so amended as to read as follows:

"Sec. 5146. Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located for at least one year immediately preceding their election and must be residents therein during their continuance in office. Every director must own in his own right at least ten shares of the capital stock of the association of which he is a director, unless the capital of the bank shall not exceed \$25,000, in which case he must own in his own right at least five shares of such capital stock. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place."

The SPEAKER. Is there objection?

Mr. HOWARD. I object.

Mr. BURKE. Mr. Speaker, I think it is fair to the House to state that the gentleman from Georgia [Mr. HOWARD] has stated that he will object to all requests to-night for unanimous consent.

Mr. HOWARD. Mr. Speaker, I desire to state that I am making these objections at the instance of the gentleman from Mississippi [Mr. WILLIAMS], who is sick and can not attend, in pursuance of a notice that he gave to that effect.

LEAVE OF ABSENCE.

Mr. SHEPPARD, by unanimous consent, obtained leave of absence for the remainder of the session on account of the serious illness of his mother.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, recommending legislation for the relief of K. Odo and T. Murakami, of Honolulu, Hawaii—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Commerce and Labor submitting an estimate of appropriation for a building on the grounds of the Bureau of Standards—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for encampment and maneuvers of the organized militia—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Interior, submitting schedules of papers on the files of his Department not worthy of preservation—to the Special Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

A letter from the Secretary of the Navy, transmitting, in response to the inquiry of the House, a letter from the Chief of Ordnance in relation to contracts for armor plate—to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. POULSON, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13094) for the relief of street-car motormen, reported the same with amendment, accompanied by a report (No. 4643); which said bill and report were referred to the House Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 217) to return to the proper authorities certain Union and Confederate battle flags, reported the same without amendment, accompanied by a report (No. 4644); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DIXON, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 18862) to provide for a land district in Yellowstone and Carbon counties, in the State of Montana, to be known as the Billings land district, reported the same with amendment, accompanied by a report (No. 4645); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 1379) for repayment of duty on anthracite coal at the port of Baltimore, Md., reported the same with amendment, accompanied by a report (No. 4646); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAWNEY, from the Committee on Industrial Arts and Expositions, to which was referred the House joint resolution (H. J. Res. 208) to authorize the President of the United States to convey to the foreign governments participating in the Louisiana Purchase Exposition the grateful appreciation of the Government and the people of the United States, reported the same without amendment, accompanied by a report (No. 4648); which said joint resolution and report were referred to the House Calendar.

Mr. GILLET of New York, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 18973) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same without amendment, accompanied by a report (No. 4650); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 18637) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River and to erect and maintain an inlet pier therefrom for the purpose of supplying the city of Buffalo with pure water, reported the same with amendment, accompanied by a report (No. 4653); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McNARY, from the Committee on Claims, to which was referred the bill of the House (H. R. 18308) for the relief of Matthew J. Davis, reported the same without amendment, accompanied by a report (No. 4647); which said bill and report were referred to the Private Calendar.

Mr. GOLDFOGLE, from the Committee on Claims, to which was referred the bill of the House (H. R. 18964) for the relief of William Radcliffe, reported the same without amendment, accompanied by a report (No. 4649); which said bill and report were referred to the Private Calendar.

Mr. BURNETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 3628) for the relief of Claude B. Alverson, reported the same without amendment, accompanied by a report (No. 4651); which said bill and report were referred to the Private Calendar.

Mr. HOWELL of Utah, from the Committee on Claims, to which was referred the bill of the House (H. R. 299) for the relief of Mary A. Shufeldt, reported the same with amendment, accompanied by a report (No. 4652); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. VOLSTEAD: A bill (H. R. 19046) for the relief of certain settlers upon land within the indemnity limits of the

present St. Paul, Minneapolis and Manitoba Railway Company—to the Committee on the Public Lands.

By Mr. SCUDDER: A bill (H. R. 19047) to increase the powers of the Interstate Commerce Commission, to expedite the final decision of cases arising under the act to regulate commerce, approved February 4, 1887, and to penalize the charging or collecting of unreasonable rates and the making of unreasonable regulations by carriers and others engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARST: A bill (H. R. 19048) to protect trade and commerce against restraints and monopoly—to the Committee on the Judiciary.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 19049) to provide for the purchase of a site and the erection of a public building thereon at Lewisburg, in the State of Tennessee—to the Committee on Public Buildings and Grounds.

By Mr. WALLACE: A bill (H. R. 19050) to authorize the county of Ouachita to construct a bridge across Ouachita River, Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. SPALDING: A bill (H. R. 19051) to amend an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved April 23, 1904—to the Committee on the Public Lands.

By Mr. McCLEARY of Minnesota: A bill (H. R. 19052) to incorporate the American Academy in Rome—to the Committee on the Library.

By Mr. McNARY: A bill (H. R. 19053) to provide for additional central reserve banks in reserve cities—to the Committee on Banking and Currency.

By Mr. BURGESS: A resolution (H. Res. 507) requesting the President to consider the expediency of opening negotiations for certain purposes with other countries—to the Committee on Foreign Affairs.

By Mr. MURDOCK: A resolution (H. Res. 509) requesting the Secretary of Agriculture to investigate and report upon the benefits to accrue to agriculture through the free use of certain kinds of alcohol—to the Committee on Agriculture.

By Mr. BISHOP: A resolution (H. Res. 510) directing the Clerk of the House to pay C. M. Curtiss the sum of \$750, for services rendered to the Tenth Congressional district of Michigan—to the Committee on Accounts.

By Mr. DIXON: Memorial from the legislative assembly of Montana, requesting Congress to increase the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: Memorial from the legislative assembly of Wyoming, requesting Congress to enact legislation opening the Wind River Reservation, in Wyoming, to settlement—to the Committee on Indian Affairs.

By Mr. STEVENS: Memorial from the legislative assembly of Minnesota, favoring efficient control of national highways by the Federal Government—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial from the legislative assembly of Montana, asking Congress to grant extended powers to the Commission of Interstate Commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Memorial from the legislative assembly of Minnesota, asking for free importation of seed wheat—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HOPKINS: A bill (H. R. 19054) granting an increase of pension to Gertrude Steelman—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 19055) granting a pension to Alice M. Durney—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 19056) granting an increase of pension to John Doyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19057) granting an increase of pension to John R. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19058) granting an increase of pension to Seth Knight—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: A bill (H. R. 19059) granting an increase of pension to Alpheus F. Van Niman—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 19060) granting an increase of pension to Beaton Cantwell—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE OF A PETITION.

Under clause 2 of Rule XXII, a petition of C. O. Moore, of Wilburton, Ind. T., in support of bill S. 5952 (presented by Mr. CALDERHEAD), heretofore wrongly referred, was re-referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Wisconsin: Petition of citizens of Fort Atkinson, Wis., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. ALLEN: Petition of citizens of Maine, against repeal of the Grout oleomargarine law—to the Committee on Agriculture.

Also, petition of citizens of Cliff Island, Me., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Maine, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. BISHOP: Petition of L. D. Comstock and 11 others, against repeal of the Grout oleomargarine law—to the Committee on Agriculture.

By Mr. BRANDEGEE: Petition of members of Williams Post, Grand Army of the Republic, of Mystic, Conn., favoring bill H. R. 1204—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of citizens of Maine, against repeal or modification of the Grout law—to the Committee on Agriculture.

Also, petition of citizens of Maine, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. CAPRON: Petition of H. A. Kirby, of Providence, R. I., representing the Jewelers' Association and Board of Trade, against the bankruptcy law—to the Committee on the Judiciary.

Also, petition of citizens of Westerly, R. I., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the librarian of the public library of Carolina, R. I., for passage of bill H. R. 16279—to the Committee on the Post-Office and Post-Roads.

Also, petition of the L. & B. Lederer Company, of the Jewelers' Association and Board of Trade, against the bankruptcy act—to the Committee on the Judiciary.

Also, petition of citizens of Rhode Island, against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Granite Cutters' Union of Providence, for the use of granite for public buildings in Cleveland, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. CRUMPACKER: Petition of Jaspar Packard Post, No. 589, Grand Army of the Republic, Department of Indiana, favoring bill S. 1257, correcting the military record of George A. Harter—to the Committee on Military Affairs.

By Mr. DALZELL: Petition of the Order of Independent Americans, relative to Indian funds for schools—to the Committee on Indian Affairs.

By Mr. FULLER: Petition of the Union Furniture Company, of Rockford, Ill., favoring the Boutell bill (H. R. 9302)—to the Committee on Ways and Means.

Also, petition of I. P. Rumsey et al., favoring the Gallinger amendment to the statehood bill—to the Committee on the Territories.

By Mr. HINSHAW: Petition of the Nebraska Federation of Commercial Clubs, against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. KITCHIN: Petition of the Order of Railway Conductors of America, Division No. 431, of Greensboro, N. C., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. LOUD: Petition of Lakeview Grange, No. 872, Patrons of Husbandry, of Otsego County, Mich., against repeal of the Grout law—to the Committee on Agriculture.

Also, petition of Hope Grange, No. 1016, against repeal of the Grout bill—to the Committee on Agriculture.

By Mr. PRINCE: Petition of A. W. Taylor and 50 others, of Galesburg, Ill., favoring bill H. R. 15797—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Tennessee: Petition of citizens of Lewisburg and Marshall County, Tenn., asking an appropriation

for a public building at Lewisburg—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Indiana: Paper to accompany bill for relief of Alpheus S. Van Niman—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of J. J. Manning Lodge, No. 472, Brotherhood of Locomotive Firemen, of Buffalo, N. Y., favoring bill H. R. 7041—to the Committee on the Judiciary.

By Mr. SCOTT: Petition of L. J. Lindstrom et al., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Isabel Kincaid et al., against religious legislation for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SNOOK: Petition of Northwestern Ohio Swine Breeders' Association, at the eighth annual session, held at Ottawa, Ohio, February 8, 1905, favoring national supervision of freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SPERRY: Petition of Hartford Chapter, American Institute of Bank Clerks, favoring the Gaines bill for redemption of mutilated currency—to the Committee on Banking and Currency.

HOUSE OF REPRESENTATIVES.

SUNDAY, February 19, 1905.

The House was called to order at 12 o'clock noon by WILLIAM J. BROWNING, Chief Clerk, who announced that the Speaker had designated the Hon. JOHN DALZELL as Speaker pro tempore for this day.

Mr. DALZELL took the chair as Speaker pro tempore.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

We bless Thee, Almighty God, our Heavenly Father, for this great Republic of ours, with its phenomenal growth, its magnificent achievements which challenge the admiration of the world. And we are reminded that under Thee the greatness of any nation depends upon the greatness of its people, and that in turn upon the opportunities afforded by the nation to the individual for the unfolding and development of the elements which constitute greatness. We thank Thee, therefore, for an open Bible, the free school, the freedom of the press and speech, and the freedom of worshipping Thee, O God, according to the dictates of conscience.

And we are reminded of that long line of illustrious men and patriots who conceived our nation and who have shaped its policies and made possible its destiny, and we are here to-day to measure the greatness of one of our nation's soldiers, scholars, and statesmen, who, by his great foresight, energy, and perseverance, filled to the full measure every position imposed upon him by his countrymen. Long may his memory live, and longer yet his deeds inspire those who shall come after him with true nobility of soul, high ideals, and lofty purposes.

Grant, O God, our Heavenly Father, that these ceremonies held from time to time may be of such importance that all the Members and their families shall gather here, a tribute to the memory of those who have wrought and labored for the upbuilding of our nation and the support of its principles. Thus, O Heavenly Father, may we all pay a just tribute to our great men, in the name of Jesus Christ our Lord. Amen.

The Clerk began to read the Journal of the proceedings of yesterday.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I move that the further reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that the further reading of the Journal be dispensed with. Is there objection? [After a pause.] The Chair hears none, and without objection the Journal will be considered as approved.

There was no objection.

THE LATE SENATOR MATTHEW S. QUAY.

Mr. ADAMS of Pennsylvania. Mr. Speaker, before proceeding, I ask unanimous consent that leave to print remarks relating to these ceremonies be granted to Members of the House for twenty days.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that leave to print remarks relating to the ceremonies upon the late Senator QUAY be granted for twenty days. Is there objection?

There was no objection.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.